

**CITY OF MEMPHIS  
COUNCIL AGENDA CHECK OFF SHEET**

**ONE ORIGINAL  
ONLY STAPLED  
TO DOCUMENTS**

**Planning & Development  
DIVISION**

**Planning & Zoning COMMITTEE: 10/05/2021**

*DATE*

**PUBLIC SESSION: 10/05/2021**

*DATE*

**ITEM (CHECK ONE)**

ORDINANCE       CONDEMNATIONS       GRANT ACCEPTANCE / AMENDMENT  
 RESOLUTION       GRANT APPLICATION       REQUEST FOR PUBLIC HEARING  
 OTHER: \_\_\_\_\_

**ITEM DESCRIPTION:** A resolution approving an office, retail, overnight accommodation, and indoor and outdoor events planned development

**CASE NUMBER:** PD 2021-30

**DEVELOPMENT:** Annesdale Mansion Planned Development

**LOCATION:** 1325 Lamar Avenue

**COUNCIL DISTRICTS:** District 6 and Super District 8 – Positions 1, 2, and 3

**OWNER/APPLICANT:** Ken Robison / Leslie Murphy

**REPRESENTATIVE:** Kate Haywood

**EXISTING ZONING:** Residential Urban – 4 (RU-4) and Midtown Overlay District

**REQUEST:** To allow an office, retail, overnight accommodation, and indoor and outdoor events planned development

**AREA:** +/-7.176 acres

**RECOMMENDATION:** The Office of Planning and Development recommended *Approval with conditions*  
The Land Use Control Board recommended *Approval with conditions*

**RECOMMENDED COUNCIL ACTION:** **Public Hearing Required**

**PRIOR ACTION ON ITEM:**

(1) _____	APPROVAL - (1) APPROVED (2) DENIED
09/09/2021 _____	DATE
(1) Land Use Control Board _____	ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

**FUNDING:**

(2) _____	REQUIRES CITY EXPENDITURE - (1) YES (2) NO
\$ _____	AMOUNT OF EXPENDITURE
\$ _____	REVENUE TO BE RECEIVED

**SOURCE AND AMOUNT OF FUNDS**

\$ _____	OPERATING BUDGET
\$ _____	CIP PROJECT # _____
\$ _____	FEDERAL/STATE/OTHER

**ADMINISTRATIVE APPROVAL:**

	<u>DATE</u>	<u>POSITION</u>
_____	_____	PRINCIPAL PLANNER
_____	_____	DEPUTY ADMINISTRATOR
_____	_____	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	<b>CHIEF ADMINISTRATIVE OFFICER</b>
_____	_____	<b>COMMITTEE CHAIRMAN</b>



## Memphis City Council Summary Sheet

### ***PD 2021-30 – Annesdale Mansion Planned Development***

Resolution requesting an office, retail, overnight accommodation, and indoor and outdoor events planned development at 1325 Lamar Avenue:

- This item is a resolution with conditions for a planned development to allow the above; and
- The Division of Planning & Development at the request of the Owner(s): Ken Robison; Applicant(s): Leslie Murphy; and Representative(s): Kate Haywood; and
- This resolution, if approved with conditions, will supersede the existing zoning for this property; and
- The item may require future public improvement contracts.

**RESOLUTION APPROVING THE ANNESDALE MANSION PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED AT 1325 LAMAR AVENUE, KNOWN AS CASE NUMBER PD 2021-30.**

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**WHEREAS**, Chapter 9.6 of the Memphis and Shelby County Unified Development Code, being a section of the Joint Ordinance Resolution No. 5367, dated August 10, 2010, authorizes the Council of the City of Memphis to grant a planned development for certain stated purposes in the various zoning districts; and

**WHEREAS**, Leslie Murphy filed an application with the Memphis and Shelby County Division of Planning and Development to allow an office, retail, overnight accommodation, and indoor and outdoor events planned development; and

**WHEREAS**, the Division of Planning and Development has received and reviewed the application in accordance with procedures, objectives and standards for planned developments as set forth in Chapter 9.6 with regard to the proposed development's impacts upon surrounding properties, availability of public facilities, both external and internal circulation, land use compatibility, and that the design and amenities are consistent with the public interest; and has submitted its findings and recommendation subject to outline plan conditions concerning the above considerations to the Memphis and Shelby County Land Use Control Board; and

**WHEREAS**, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on September 9, 2021, and said Board has submitted its findings and recommendation subject to outline plan conditions concerning the above considerations to the Council of the City of Memphis; and

**WHEREAS**, the Council of the City of Memphis has reviewed the aforementioned application pursuant to Tennessee Code Annotated Section 13-4-202(B)(2)(B)(iii) and has determined that said development is consistent with the Memphis 3.0 General Plan; and

**WHEREAS**, the Council of the City of Memphis has reviewed the recommendation of the Land Use Control Board and the report and recommendation of the Division of Planning and Development and has determined that said development meets the objectives, standards and criteria for a special use permit, and said development is consistent with the public interests.

**NOW, THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF MEMPHIS**, that, pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code, a planned development is hereby granted in accordance with the attached outline plan conditions.

**BE IT FURTHER RESOLVED**, that the requirements of said aforementioned clause of the Unified Development Code shall be deemed to have been complied with; that the outline plan shall bind the applicant, owner, mortgagee, if any, and the legislative body with respect to the contents of said plan; and the applicant and/or owner may file a final plan in accordance with said outline plan and the provisions of Section 9.6.11 of the Unified Development Code.

***ATTEST:***

**CC: Division of Planning and Development  
– Land Use and Development Services  
– Office of Construction Enforcement**

## OUTLINE PLAN CONDITIONS

- I. Permitted Uses – Uses permitted by right in the RU-4 District with the following additional uses permitted:
  - A. Office uses – limited to an interior design businesses and professional service office uses of a similar nature such as architect, engineer, advertising firm, business management consulting, etc.
  - B. Retail sales – limited to an interior design showroom and uses of a similar nature.
  - C. Bed and Breakfast – A caretaker who permanently resides on the property may substitute for the permanently owner-occupied criteria as contained in Condition I.E below.
  - D. Indoor and Outdoor Recreation uses limited to the following:
    1. Event types such as art gallery showings/openings, community-based events and meetings, corporate retreats, weddings, and receptions. Additional event types of a similar nature may be permitted subject to administrative review and approval of Land Use and Development Services.
  - E. A staff member shall be on-site during the duration of all events until such time there is a bed and breakfast operating on-site at which time a staff member shall be required to stay overnight as well.
- II. Indoor/Outdoor Event Regulations
  - A. Hours of operation and frequency:
    1. Sunday through Thursday – Outdoor events shall not commence prior to 8:00 AM and shall conclude by 9:00 PM—entertainment and amplified sound shall conclude by 9:00 PM and guests shall be off the premises or predominantly indoors by 10:00 PM.
    2. Friday and Saturday – Outdoor events shall not commence prior to 8:00 AM and shall conclude by 10:00 PM—entertainment and amplified sound shall conclude by 10:00 PM and guests shall be off the premises or predominantly indoors by 11:00 PM. However, for a maximum of 12 times per calendar year a single event may conclude by 11:00 PM—entertainment and amplified sound shall conclude by 11:00 PM and guests shall be off the premises or predominantly indoors by 12:00 AM.
    3. The maximum number of guests present onsite for any single event shall not exceed one hundred ninety-nine (199) at any time.
    4. Any single event including one hundred one (101) to one hundred ninety-nine (199) guests shall be limited to a maximum of twenty-four (24) per calendar year.
    5. Any single event including fifty (50) to one hundred (100) guests shall be limited to a maximum of twenty-four (24) per calendar year.
    6. There is no limit on single events with a maximum of forty-nine (49) guests.

- B. One (1) hour outdoor event setup and cleanup may occur before the earliest and after the latest aforementioned times. During these extended setup and cleanup times, there should be no music or typical outdoor event associated noise occurring.
- C. The term “predominantly indoors” is defined as being inside the principal structure or on any porch or balcony attached to or outdoor patio abutting the principal structure. The intent is that individuals are not wandering the grounds. All security personnel and staff are exempt from this regulation in the performance of their duties.
- D. All events with fifty (50) guests or more shall require valet parking. Valet parking is permitted on streets that abut the subject property where permitted in accordance with the Unified Development Code limited to the inside of East and West Snowden Circle and on the north side of Agnes Place that abuts the subject property. No valet parking shall be permitted on outside of East and West Snowden Circle, on Agnes Place where not abutting the subject property, or at any other on-street parking location(s).
- E. Delivery of food and event supplies shall under no circumstance utilize semi-trailer trucks.
- F. Commercial vehicles, such as buses, vans, etc., shall not be permitted park or idle on neighboring streets. All commercial vehicles shall be provided on-site parking or parking at another off-site and off-street location.
- G. The term “guests” includes event hosts, clients, customers, guests, visitors, etc. and it does not include the facility owners, staff, personnel, contractors etc.
- H. On-site security shall be provided for all events. A minimum of three (3) security guards are required for any event with fifty (50) to one hundred (100) guests and a minimum of four (4) security guards are required for any event with one hundred one (101) to one hundred ninety-nine (199) guests.
- I. Noise and amplified sound originating from the subject property shall not exceed 60 decibels as measured along the sidewalk across East Snowden Circle, West Snowden Circle, and Agnes Place adjacent to the subject property. Noise transfer into the surrounding neighborhoods shall be minimized to the greatest extent feasible.

### III. Bulk Regulations

- A. Building Setbacks shall be in accordance with the Residential Urban – 4 (RU-4) District except for the following: The setback for any tent or temporary structure shall not be located closer than 60 feet to East Snowden Circle, West Snowden Circle, or Agnes Place.
- B. All fencing and walls shall be of high-quality materials, such as wrought iron, brick, etc., subject to administrative review and approval of Land Use and Development Services.
- C. Any exterior changes or alterations to the principal structure or any accessory structure shall require administrative review and approval by Land Use and Development Services. The intent of this condition is to ensure the character of any historical structure is maintained. This condition does not apply to routine maintenance.

- D. Any new structures shall be architecturally compatible with the existing principal structure subject to administrative review and approval by Land Use and Development Services.

#### IV. Circulation, Access and Parking

- A. A maximum of two pedestrian entrances on Snowden Circle shall be provided as generally depicted on the Concept Plan. The pedestrian entrances shall be designed in the field to minimize the removal of mature trees and must be gated.
- B. A minimum of sixty-five (65) guest parking spaces shall be provided on-site in the areas as generally shown on the Concept Plan.

#### V. Landscaping

- A. A landscape plan shall be submitted that generally be maintains the landscaping as existing, subject to review and approval by the Land Use and Development Services.
- B. The applicant shall be responsible for the collection of litter immediately after events around the vicinity of the subject property. This includes collecting litter along both sides of East Snowden Circle, West Snowden Circle, and the section of Anger Place adjacent to the subject property and the south side of the section of Lamar Avenue abutting the subject property.

#### VI. Signs – Signage shall be in accordance with the RU-4 District regulations.

- VII. The Land Use Control Board may modify the bulk, access, parking, landscaping, loading, screening, signage, and other site requirements if equivalent alternatives are presented: provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may, within ten (10) days of such action file a written appeal to the Zoning Administrator of the Division of Planning and Development, to have such action reviewed by the appropriate Governing Bodies.

#### VIII. When uncertainty exists within these outline plan conditions, the Zoning Administrator shall be authorized to make all interpretations.

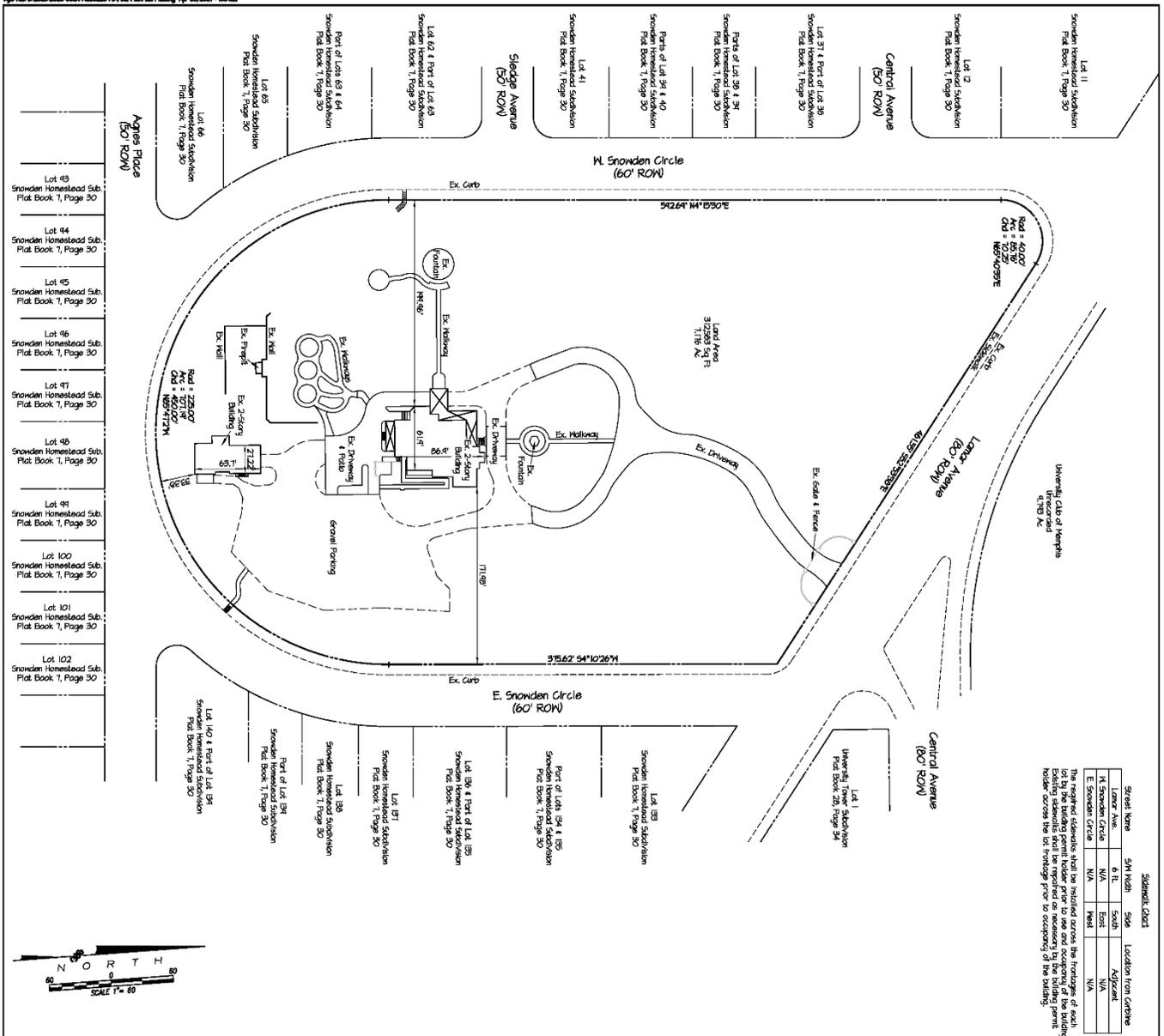
- IX. A final plan shall be filed within five (5) years of the approval of the outline plan. The Land Use Control Board may grant extensions at the request of the applicant.

#### X. Any final plan is subject to the administrative approval by Land Use and Development Services and shall include the following:

- A. The Outline Plan Conditions.
- B. The location and dimensions, including height of all buildings or buildable areas, pedestrian and utility easements, service drives, parking areas, trash receptacles, loading facilities, and required landscaping and screening areas.
- C. The location and ownership, whether public or private of any easement.
- D. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by “Reserved for Storm Water Detention” shall not

be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

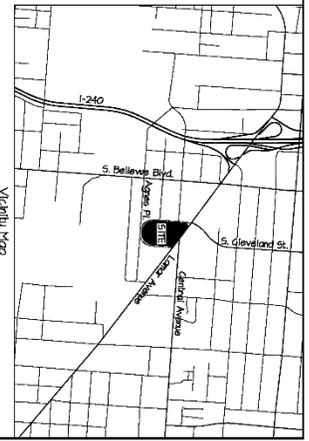
# CONCEPT PLAN



**STREETS**

Street Name	5M North	5M East	Location from Centerline
Central Ave.	6 ft.	South	Adjacent
W. Snowden Circle	N/A	East	N/A
E. Snowden Circle	N/A	West	N/A

The required setbacks shall be indicated across the footprint of each lot by the building permit holder prior to use and occupancy of the building. Building setbacks shall be indicated on necessary of the building permit holder across the lot coverage prior to occupancy of the building.



Please be advised that a building permit issued by the Memphis/ Shelby County Office of Construction Code Enforcement does not constitute an endorsement or approval of the project. The City of Memphis does not warrant the accuracy of the information provided in this plan. All information is provided for informational purposes only. The City of Memphis does not assume any liability for any errors or omissions in this plan. All information is provided for informational purposes only. The City of Memphis does not assume any liability for any errors or omissions in this plan.

- Notes:**
- The City of Memphis shall have the right to use private drives and yards for the purpose of maintaining all public sewer lines and shall have no responsibility for the maintenance of said private drives and yards.
  - No trees, shrubs, permanent structures or other utilities shall be removed or damaged. No other utilities or services shall be installed or altered. All utility and service lines shall be shown on the plan. All utility and service lines shall be shown on the plan.

**100 YEAR FLOOD**  
 THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA PER THE COMMUNITY PANEL NO. 47011 0210 F. EFFECTIVE DATE: SEPTEMBER 28, 2007.  
 NENSHI PER: 20220

**BEAUCHAMK**  
 CITY OF MEMPHIS BEAUCHAMK, NO. 1002 - LAMAR AVE & CENTRAL AVE  
 CITY PLANNING DEPARTMENT  
 500 N. GAYLOR ST., SUITE 200  
 MEMPHIS, TN 38102

**FINAL PLAT**  
**ANNESDALE EVENTS PD**  
 DEVELOPER: **KEN ROBINSON**  
 1 LOT  
 WARD 15, BLOCK 10, PARCEL 1  
 PD 12-314  
 7,176 ACRES  
 APRIL 2021

**SR CONSULTING, LLC**  
 ENGINEERING - PLANNING  
 6909 Shelby Oaks Drive  
 Suite 200  
 Memphis, TN 38134  
 (901) 795-0880  
 (901) 795-0870  
 www.srcc.com

## Annesdale Mansion

Leah Fox-Greenberg <leah@memphisheritage.org>

Thu 9/9/2021 8:43 AM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>

**CAUTION:** This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

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Hi Jeffrey:

I just wanted to express support from Memphis Heritage for the sale of Annesdale Mansion go to Maude Murphey Interiors. They have had multiple meetings with community members and want to be a good steward for the preservation of this amazing home.

If you have any questions, don't hesitate to contact me.

Best Wishes,  
Leah

**Leah Fox-Greenberg**  
**Chief Executive Officer**  
**Memphis Heritage, Inc.**  
2282 Madison Ave. Memphis, TN 38104  
(901) 272-2727  
[leah@memphisheritage.org](mailto:leah@memphisheritage.org)  
[www.memphisheritage.org](http://www.memphisheritage.org)

**AGENDA ITEM:** 14

**CASE NUMBER:** PD 2021-30      **L.U.C.B. MEETING:** September 9, 2021

**DEVELOPMENT:** Annesdale Mansion Planned Development

**LOCATION:** 1325 Lamar Avenue

**COUNCIL DISTRICT:** District 6 and Super District 8 – Positions 1, 2, and 3

**OWNER/APPLICANT:** Ken Robison / Leslie Murphy of Murphy Maude Interiors

**REPRESENTATIVE:** Kate Haywood of Murphy Maude Interiors

**REQUEST:** To allow office, retail, overnight accommodation, and indoor and outdoor events

**AREA:** +/-7.176 acres

**EXISTING ZONING:** Residential Urban – 4 (RU-4) and Midtown Overlay District

## CONCLUSIONS

1. The applicant is requesting to allow office, retail, overnight accommodation, and indoor and outdoor events.
2. The Annesdale Mansion was constructed circa 1850 and is an example of Italianate design and is catalogued on the national register of historic places. The mansion was historically used as a single-family dwelling since its construction and has since been used to host events since circa 2012 after the approval of planned development PD 12-314; however, note this approval has since expired since a final plat was never recorded within the five-year time limit. Note the current property owner, who is not the applicant of this request, is currently in Environment Court related to the planned development having expired while continuing to host events on the site and noise complaints.
3. The site is currently zoned Residential Urban – 4 (RU-4) which is one of the most intense residential districts as described in the Unified Development Code allowing most single- and multi-family housing types and land uses, such as a 75-foot tall apartment building.
4. In many cases, the preservation of historic properties fails not for lack of interest, or good intention rather they are challenged with the costly burden of maintenance. In this case adaptively reusing the property for office, retail, overnight accommodation, and indoor and outdoor events is a reasonable and sustainable compromise.
5. In most metropolitan cities where there is robust inner-city economic development historic preservation is always considered an important factor. Preserving our historic structures helps to create a theme and sense of place.
6. The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.

## CONSISTENCY WITH MEMPHIS 3.0

This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 25-27 of this report.

## RECOMMENDATION

*Approval with conditions*

**GENERAL INFORMATION**

<b>Street Frontage:</b>	Lamar Avenue	+/-504.43	curvilinear feet
	East Snowden Circle	+/-579.22	curvilinear feet
	West Snowden Circle	+/-839.17	curvilinear feet
	Agnes Place	+/-300.00	curvilinear feet

**Zoning Atlas Page:** 2030

**Parcel ID:** 015010 00001

**Existing Zoning:** Residential Urban – 4 (RU-4) and Midtown Overlay District

**NEIGHBORHOOD MEETING**

The meeting was held at 6:00 PM on Monday, August 30, 2021, at Memphis Heritage, 2282 Madison Avenue.

**PUBLIC NOTICE**

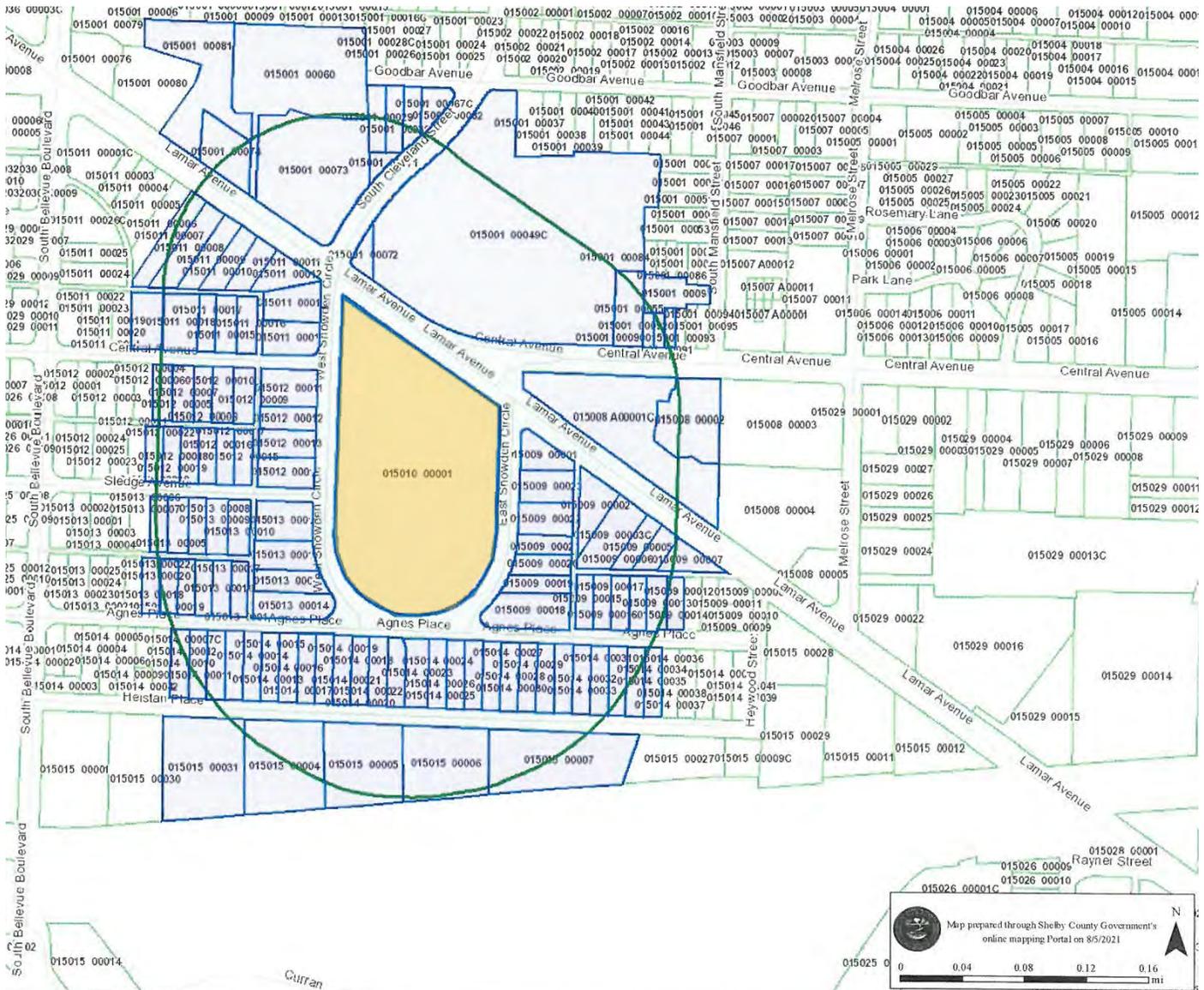
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 115 notices were mailed on August 26, 2021, and a total of 4 signs posted at the subject property. The sign affidavit has been added to this report.

**LOCATION MAP**



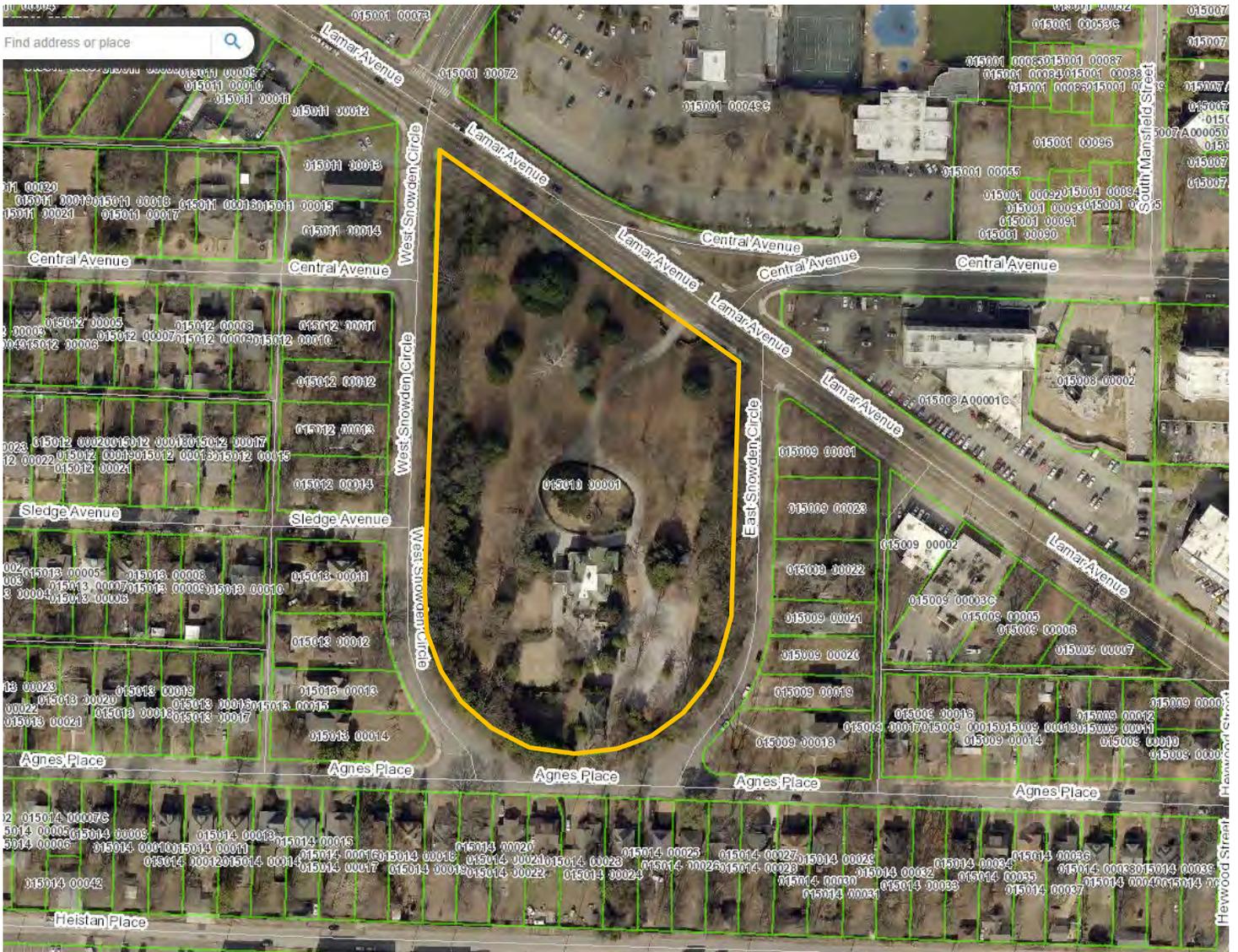
Subject property located within the pink circle, Annesdale neighborhood

VICINITY MAP



Subject property highlighted in orange

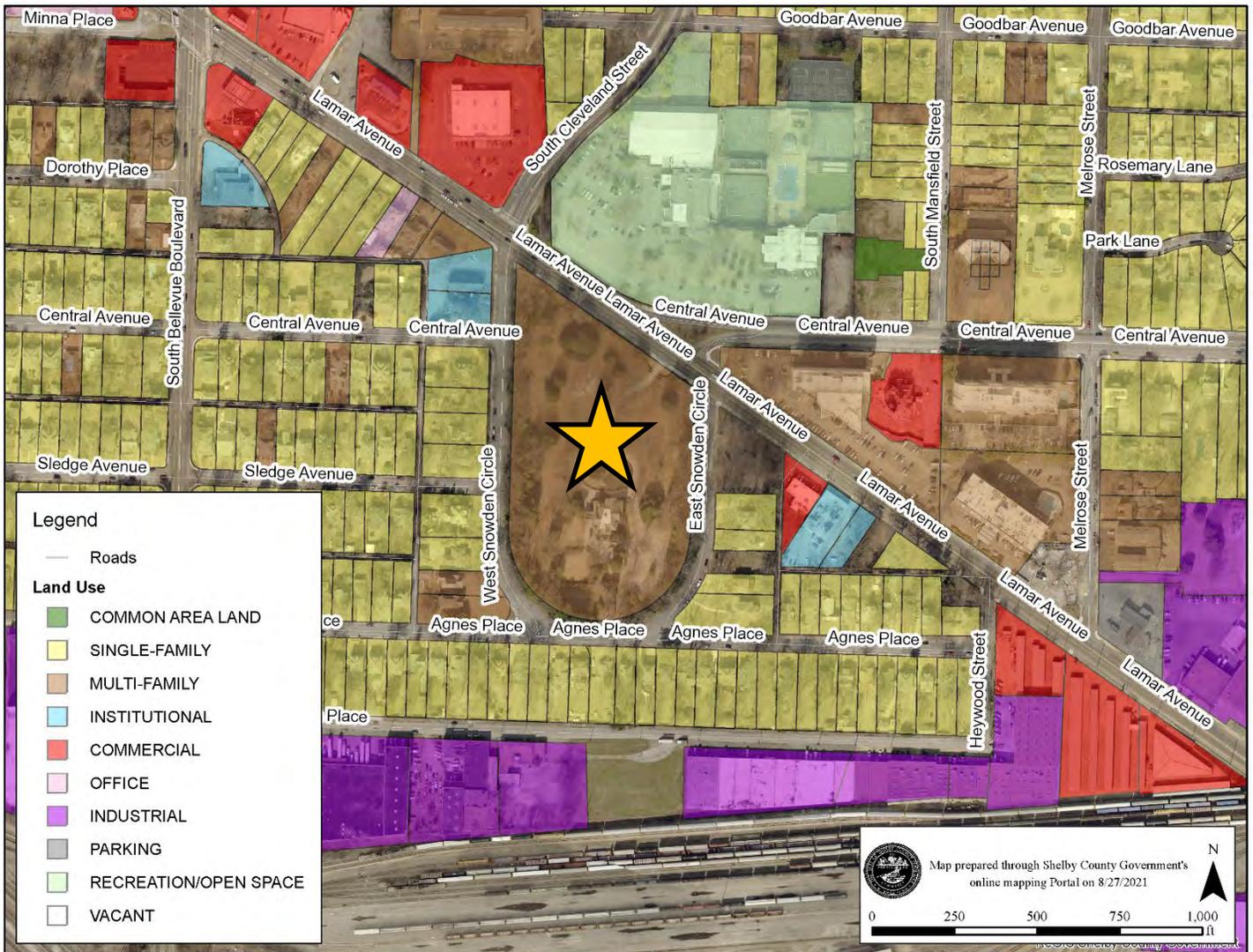
**AERIAL**



Subject property outlined in orange, imagery from 2018.



LAND USE MAP



Subject property outlined in electric blue indicated by an orange star

**SITE PHOTOS**



View of the Annesdale Mansion



View of the Annesdale Mansion



View down East Snowden Avenue looking south (subject property on right)



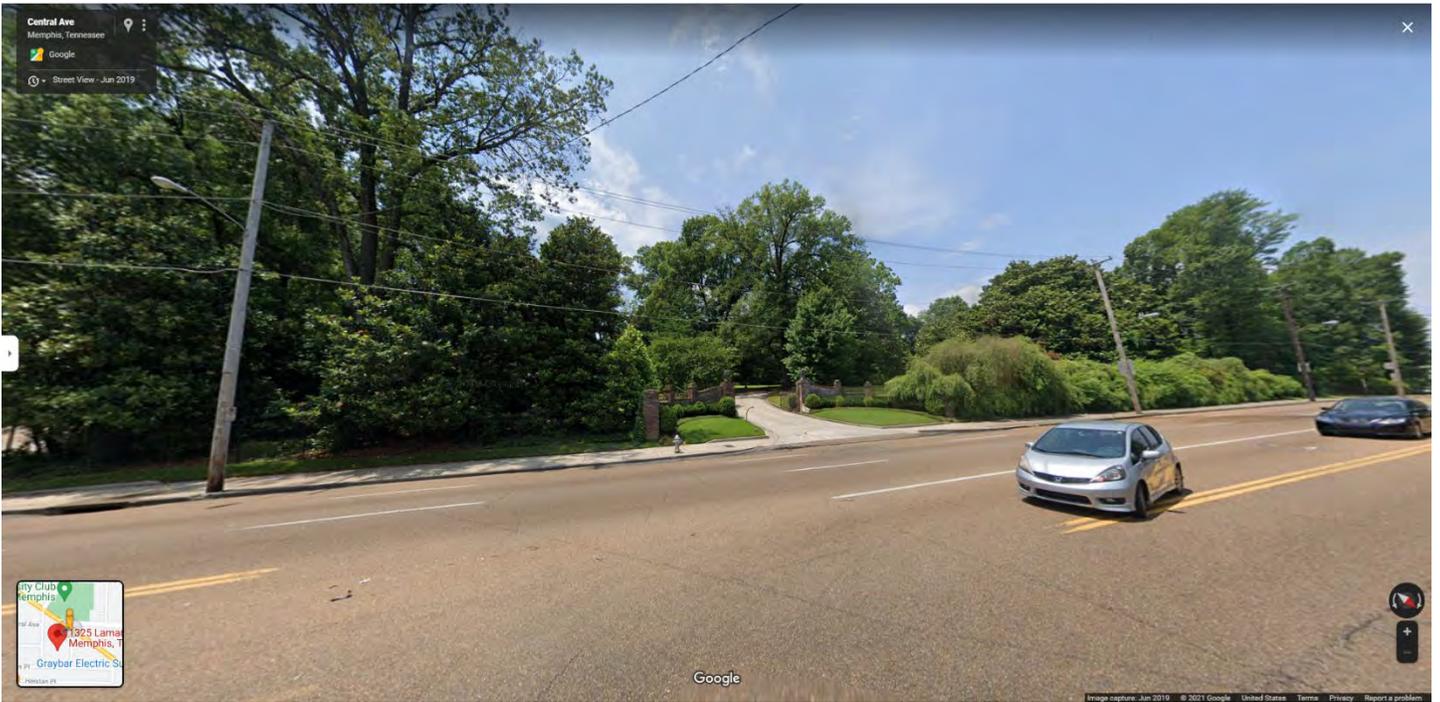
View down West Snowden Avenue looking south (subject property on left)



View of subject property from the intersection of Agnes Place and East Snowden Circle looking northwest



View of subject property from the intersection of Agnes Place and West Snowden Circle looking northeast



View of subject property from Central Avenue looking southwest



## STAFF ANALYSIS

### Request

The application, planned development general provisions, and letter of intent have been added to this report.

The request is to allow office, retail, overnight accommodation, and indoor and outdoor events.

### Applicability

Staff agrees the applicability standards and criteria as set out in Section 4.10.2 of the Unified Development Code are or will be met.

#### *4.10.2 Applicability*

*The governing bodies may, upon proper application, grant a special use permit for a planned development (see Chapter 9.6) for a tract of any size within the City or for tracts of at least three acres in unincorporated Shelby County to facilitate the use of flexible techniques of land development and site design, by providing relief from district requirements designed for conventional developments, and may establish standards and procedures for planned developments in order to obtain one or more of the following objectives:*

- A. Environmental design in the development of land that is of a higher quality than is possible under the regulations otherwise applicable to the property.*
- B. Diversification in the uses permitted and variation in the relationship of uses, structures, open space and height of structures in developments intended as cohesive, unified projects.*
- C. Functional and beneficial uses of open space areas.*
- D. Preservation of natural features of a development site.*
- E. Creation of a safe and desirable living environment for residential areas characterized by a unified building and site development program.*
- F. Rational and economic development in relation to public services.*
- G. Efficient and effective traffic circulation, both within and adjacent to the development site, that supports or enhances the approved transportation network.*
- H. Creation of a variety of housing compatible with surrounding neighborhoods to provide a greater choice of types of environment and living units.*
- I. Revitalization of established commercial centers of integrated design in order to encourage the rehabilitation of such centers in order to meet current market preferences.*
- J. Provision in attractive and appropriate locations for business and manufacturing uses in well-designed buildings and provision of opportunities for employment closer to residence with a reduction in travel time from home to work.*
- K. Consistency with the Memphis 3.0 General Plan.*

### General Provisions

Staff agrees the general provisions standards and criteria as set out in Section 4.10.3 of the Unified Development Code are or will be met.

#### *4.10.3 General Provisions*

*The governing bodies may grant a special use permit for a planned development which modifies the applicable district regulations and other regulations of this development code upon written findings and recommendations of the Land Use Control Board and the Planning Director which shall be forwarded pursuant to provisions contained in this Chapter.*

- A. *The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.*
- B. *An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development.*
- C. *The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for structures, parking and loading areas or access way shall be landscaped or otherwise improved except where natural features are such as to justify preservation.*
- D. *Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest.*
- E. *Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements.*
- F. *Lots of record are created with the recording of a planned development final plan.*

### **Residential Criteria**

Staff agrees the additional planned residential development criteria as set out in Section 4.10.4 of the Unified Development Code are or will be met.

#### **4.10.4 Planned Residential Developments**

*In addition to the standards and criteria set forth in Section 4.10.3, planned residential developments shall comply with the standards and criteria set forth below:*

- A. **Formal Open Space**  
*A minimum of 0.6% of the total land area of a planned residential development of 15 acres or more shall be subject to the formal open space requirements of Section 6.2.3. No open area may be delineated or accepted as formal open space under the provisions of this Chapter unless it meets the standards of Chapter 6.2, Open Space.*
- B. **Accessibility of Site**  
*All proposed streets, alleys and driveways shall be adequate to serve the residents, occupants, visitors or other anticipated traffic of the planned residential development. The location of the entrance points of the streets, alleys and driveways upon existing public roadways shall be subject to the approval of the City or County Division of Public Works.*
- C. **Off-Street Parking**  
*Off-street parking shall be conveniently accessible to all dwelling units and other uses. Where appropriate, common driveways, parking areas, walks and steps may be provided, maintained and lighted for night use. Screening of parking and service areas shall be required through use of trees, shrubs and/or hedges and screening walls.*
- D. **Pedestrian Circulation**  
*The pedestrian circulation system and its related walkways shall be separated, whenever feasible, from the vehicular street system in order to provide an appropriate degree of separation of pedestrian and vehicular movement.*
- E. **Privacy**  
*The planned residential development shall provide reasonable visual and acoustical privacy for dwelling units within and adjacent to the planned residential development. Protection and*

*enhancement of property and the privacy of its occupants may be provided by the screening of objectionable views or uses and reduction of noise through the use of fences, insulation, natural foliage, berms and landscaped barriers. High-rise buildings shall be located within the development in such a way as to minimize any adverse impact on adjoining low rise buildings.*

**F. Distance Requirements**

*Where minimum distance requirements are provided between single family residential zoning districts and certain stipulated uses in this Code, the single-family residential areas of planned developments shall be considered zoned residential.*

**Commercial or Industrial Criteria**

Staff agrees the additional planned commercial or industrial development criteria as set out in Section 4.10.5 of the Unified Development Code are or will be met.

**4.10.5 Planned Commercial or Industrial Developments**

*Approval of a planned commercial or industrial development may be issued by the governing bodies for buildings or premises to be used for the retail sale of merchandise and services, parking areas, office buildings, hotels and motels and similar facilities ordinarily accepted as commercial center uses and those industrial uses which can be reasonably be expected to function in a compatible manner with the other permitted uses in the area. In addition to the applicable standards and criteria set forth in Section 4.10.3, planned commercial or industrial developments shall comply with the following standards:*

**A. Screening**

*When commercial or industrial structures or uses in a planned commercial or industrial development abut a residential district or permitted residential buildings in the same development, screening may be required by the governing bodies.*

**B. Display of Merchandise**

*All business, manufacturing and processing shall be conducted, and all merchandise and materials shall be displayed and stored, within a completely enclosed building or within an open area which is completely screened from the view of adjacent properties and public rights-of-way, provided, however, that when an automobile service station or gasoline sales are permitted in a planned commercial development, gasoline may be sold from pumps outside of a structure.*

**C. Accessibility**

*The site shall be accessible from the proposed street network in the vicinity which will be adequate to carry the anticipated traffic of the proposed development. The streets and driveways on the site of the proposed development shall be adequate to serve the enterprises located in the proposed development.*

**D. Landscaping**

*Landscaping shall be required to provide screening of objectionable views of uses and the reduction of noise. High-rise buildings shall be located within the development in such a way as to minimize any adverse impact on adjoining low-rise buildings.*

**Approval Criteria**

Staff agrees the approval criteria as set out in Section 9.6.9 of the Unified Development Code are being met.

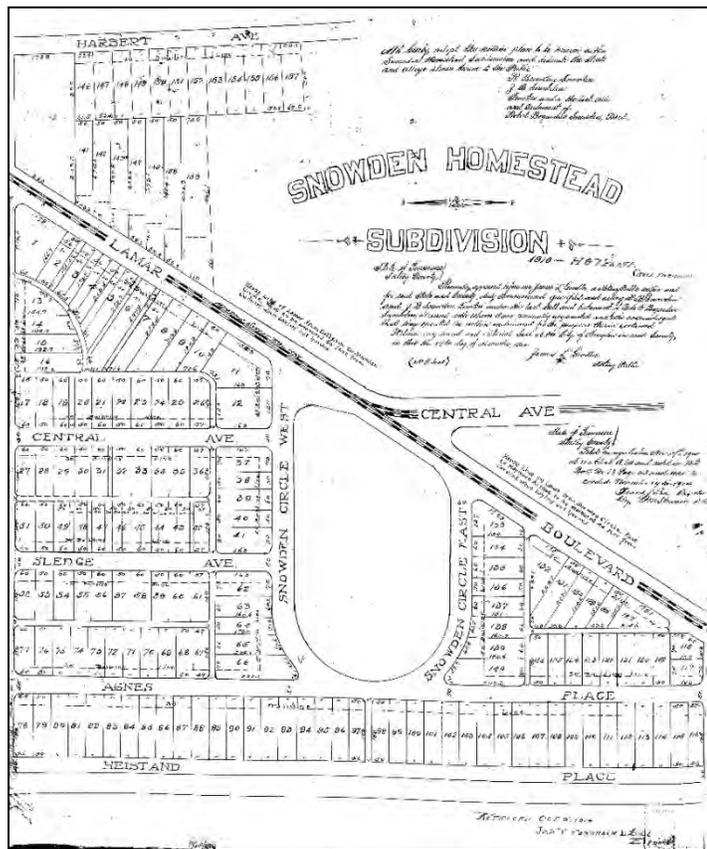
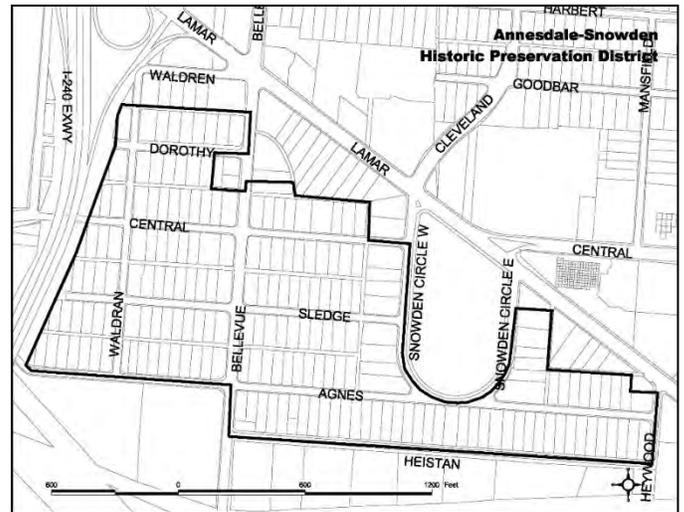
**9.6.9 Approval Criteria**

*No special use permit or planned development shall be approved unless the following findings are made concerning the application:*

- A. *The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.*
- B. *The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations.*
- C. *The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services.*
- D. *The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance.*
- E. *The project complies with all additional standards imposed on it by any particular provisions authorizing such use.*
- F. *The request will not adversely affect any plans to be considered (see Chapter 1.9), or violate the character of existing standards for development of the adjacent properties.*
- G. *The governing bodies may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to insure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.*
- H. *Any decision to deny a special use permit request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record, per the Telecommunications Act of 1996, 47 USC 332(c)(7)(B)(iii). The review body may not take into account any environmental or health concerns.*

**Site Description**

The subject property is a 7.18-acre parcel situated just outside of the Annesdale-Snowden Historic District. The site is however within the Midtown Planning District situated along the south side of Lamar Avenue just east of Bellevue Boulevard. This 7.18-acre parcel is occupied by the historic Annesdale Mansion. This site is improved with a single-family principal dwelling comprising approximately 8,646 square feet, a carriage house comprising approximately 837 square feet, and several gardens. The house was constructed circa 1850 and is an example of Italian Villa architecture. The site is surrounded by mature vegetation with its major entrance fronting on Lamar Avenue.



The structures and land uses that surround the site as platted by the Snowden Homestead Subdivision (1910) are generally single-family residential in character and in land use with varying architectural styles primarily described as: foursquares, bungalows, and victorian cottages. Most of the structures within the surrounding area are constructed of: wood, brick, stone and stucco. The main entrance and frontage of the subject site is along Lamar Avenue which is a busy commercial corridor comprising a combination of primarily commercial land uses with some limited single family uses along the south side of Lamar Avenue.

### **Guest Parking Estimates**

#### On-site Parking:

Minimum of 65 guest parking spaces per outline plan condition IV.B

#### Horseshoe Parking:

Valet parking permitted abutting subject property along East and West Snowden Circle and Anger Place  
1718.38 feet of abutting frontage

60 feet total reduction estimate to account for both intersection with Lamar Avenue

19.5 feet of length per vehicle for parallel parking, Section 4.5.5 of the UDC.

Estimated minimum parking spaces: 85

Minimum estimated guest spaces for on-site and off-site horseshoe: 150

The PD 12-314 Staff Report stated, “trip generation estimates of 1 car per 1.5 attendees.” Thus, with a maximum capacity of 199 guests, per outline plan condition II.B.3, the adequate guest parking figure comes in at 133 guest spaces.

### **Site Zoning History**

PD 12-314 – was approved by the Council of the City of Memphis on October 16, 2012, for what is essentially the same request as this application, see pages 28-31 of this report for the attested resolution. However, note that said approval expired as a final plat was never recorded within the five-year time limit.

Note the current property owner is in Environment court related to the planned development having expired while continuing to host events on the site and noise complaints. Additionally, neighbors who have submitted letters have expressed concerns related to the subject property and valet parking on the outside perimeter of the East and West Snowden Circle and Anger Place horseshoe, litter, noise, hours of operation for outdoor events, frequency of events, commercial vehicles parking and/or idling on neighborhood streets, lack of the property owner(s) or a caretaker(s) permanently living on the site to ensure conditions, rules, and regulations are enforced on the site to maintain being a good neighbor, the current owner, etc., see page 39 of this report for the Letters Received section.

### **Conclusions**

The applicant is requesting to allow office, retail, overnight accommodation, and indoor and outdoor events.

The Annesdale Mansion was constructed circa 1850 and is an example of Italianate design and is catalogued on the national register of historic places. The mansion was historically used as a single-family dwelling since its construction and has since been used to host events since circa 2012 after the approval of planned development PD 12-314; however, note this approval has since expired since a final plat was never recorded within the five-year time limit. Note the current property owner, who is not the applicant of this request, is currently in Environment Court related to the planned development having expired while continuing to host events on the site and noise complaints.

The site is currently zoned Residential Urban – 4 (RU-4) which is one of the most intense residential districts as described in the Unified Development Code allowing most single- and multi-family housing types and land uses, such as a 75-foot tall apartment building.

In many cases, the preservation of historic properties fails not for lack of interest, or good intention rather they are challenged with the costly burden of maintenance. In this case adaptively reusing the property for office, retail, overnight accommodation, and indoor and outdoor events is a reasonable and sustainable compromise.

In most metropolitan cities where there is robust inner-city economic development historic preservation is always considered an important factor. Preserving our historic structures helps to create a theme and sense of place.

For a maximum of 199 guest, per outline plan condition II.B.3, it is estimated that 133 guest spaces are necessary given a ratio of 1 car per 1.5 attendees. It is estimated that there is an approximate total of 150 guest parking spaces available via the 65-minimum required on-site guest parking spaces, per outline plan condition IV.B and the permitted valet parking along the East and West Snowden Circle and Anger Place horseshoe which will provides an additional estimated 85 parking spaces.

The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.

The location and arrangement of the structures, parking areas, walks, lighting and other service facilities are compatible with the surrounding land uses.

## **RECOMMENDATION**

Staff recommends approval with outline plan conditions.

### **Outline Plan Conditions**

- I. Permitted Uses – Uses permitted by right in the RU-4 District with the following additional uses permitted:
  - A. Office uses – limited to an interior design businesses and professional service office uses of a similar nature such as architect, engineer, advertising firm, business management consulting, etc.
  - B. Retail sales – limited to an interior design showroom and uses of a similar nature.
  - C. Bed and Breakfast – A caretaker who permanently resides on the property may substitute for the permanently owner-occupied criteria as contained in Condition I.E below.
  - D. Indoor and Outdoor Recreation uses limited to the following:
    1. Event types such as art gallery showings/openings, community-based events and meetings, corporate retreats, weddings, and receptions. Additional event types of a similar nature may be permitted subject to administrative review and approval of Land Use and Development Services.
  - E. The property owner(s) or a caretaker(s) shall permanently reside on the property within one-year of the date of City Council’s approval of this planned development. The property owner(s) along with the caretaker(s), if applicable, shall be responsible in ensuring and enforcing all conditions, rules, and

regulations of this planned development, the Unified Development Code, and any other applicable City or County ordinance are being complied with on-site at all times.

II. Indoor/Outdoor Event Regulations

A. Events with contracts signed prior to the date of City Council's approval of this planned development's must abide by the following:

1. Sunday through Thursday – Outdoor events shall not commence prior to 8:00 AM and shall conclude by 10:00 PM—entertainment and amplified sound shall conclude by 10:00 PM and guests shall be off the premises or predominantly indoors by 11:00 PM.
2. Friday and Saturday – Outdoor events shall not commence prior to 8:00 AM and shall conclude by 11:00 PM—entertainment and amplified sound shall conclude by 11:00 PM and guests shall be off the premises or predominantly indoors by 12:00 AM.
3. The maximum number of guests shall not exceed two hundred fifty (250) at any time.

B. Events with contracts signed after the date of City Council's approval of this planned development must abide by the following:

1. Sunday through Thursday – Outdoor events shall not commence prior to 8:00 AM and shall conclude by 9:00 PM—entertainment and amplified sound shall conclude by 9:00 PM and guests shall be off the premises or predominantly indoors by 10:00 PM.
2. Friday and Saturday – Outdoor events shall not commence prior to 8:00 AM and shall conclude by 10:00 PM—entertainment and amplified sound shall conclude by 10:00 PM and guests shall be off the premises or predominantly indoors by 11:00 PM. However, for a maximum of 12 times per calendar year a single event may conclude by 11:00 PM—entertainment and amplified sound shall conclude by 11:00 PM and guests shall be off the premises or predominantly indoors by 12:00 AM.
3. The maximum number of guests present onsite for any single event shall not exceed one hundred ninety-nine (199) at any time.
4. Any single event including one hundred one (101) to one hundred ninety-nine (199) guests shall be limited to a maximum of twenty-four (24) per calendar year.
5. Any single event including fifty (50) to one hundred (100) guests shall be limited to a maximum of twenty-four (24) per calendar year.
6. There is no limit on single events with a maximum of forty-nine (49) guests.

C. One (1) hour outdoor event setup and cleanup may occur before the earliest and after the latest aforementioned times. During these extended setup and cleanup times, there should be no music or typical outdoor event associated noise occurring.

- D. The term “predominantly indoors” is defined as being inside the principal structure or on any porch or balcony attached to or outdoor patio abutting the principal structure. The intent is that individuals are not wandering the grounds. All security personnel and staff are exempt from this regulation in the performance of their duties.
- E. All events with fifty (50) guests or more shall require valet parking. Valet parking is permitted on streets that abut the subject property where permitted in accordance with the Unified Development Code limited to the inside of East and West Snowden Circle and on the north side of Agnes Place that abuts the subject property. No valet parking shall be permitted on outside of East and West Snowden Circle, on Agnes Place where not abutting the subject property, or at any other on-street parking location(s).
- F. Delivery of food and event supplies shall under no circumstance utilize semi-trailer trucks.
- G. Commercial vehicles, such as buses, vans, etc., shall not be permitted park or idle on neighboring streets. All commercial vehicles shall be provided on-site parking or parking at another off-site and off-street location.
- H. The term “guests” includes event hosts, clients, customers, guests, visitors, etc. and it does not include the facility owners, staff, personnel, contractors etc.
- I. On-site security shall be provided for all events. A minimum of three (3) security guards are required for any event with fifty (50) to one hundred (100) guests and a minimum of four (4) security guards are required for any event with one hundred one (101) to one hundred ninety-nine (199) guests.
- J. Noise and amplified sound originating from the subject property shall not exceed 60 decibels as measured along the sidewalk across East Snowden Circle, West Snowden Circle, and Anges Place adjacent to the subject property. Noise transfer into the surrounding neighborhoods shall be minimized to the greatest extent feasible.

### III. Bulk Regulations

- A. Building Setbacks shall be in accordance with the Residential Urban – 4 (RU-4) District except for the following: The setback for any tent or temporary structure shall not be located closer than 60 feet to East Snowden Circle, West Snowden Circle, or Agnes Place.
- B. All fencing and walls shall be of high-quality materials, such as wrought iron, brick, etc., subject to administrative review and approval of Land Use and Development Services.
- C. Any exterior changes or alterations to the principal structure or any accessory structure shall require administrative review and approval by Land Use and Development Services. The intent of this condition is to ensure the character of any historical structure is maintained. This condition does not apply to routine maintenance.
- D. Any new structures shall be architecturally compatible with the existing principal structure subject to administrative review and approval by Land Use and Development Services.

IV. Circulation, Access and Parking

- A. A maximum of two pedestrian entrances on Snowden Circle shall be provided as generally depicted on the Concept Plan. The pedestrian entrances shall be designed in the field to minimize the removal of mature trees and must be gated.
- B. A minimum of sixty-five (65) guest parking spaces shall be provided on-site in the areas as generally shown on the Concept Plan.

V. Landscaping

- A. A landscape plan shall be submitted that generally be maintains the landscaping as existing, subject to review and approval by the Land Use and Development Services.
- B. The applicant shall be responsible for the collection of litter immediately after events around the vicinity of the subject property. This includes collecting litter along both sides of East Snowden Circle, West Snowden Circle, and the section of Anges Place adjacent to the subject property and the south side of the section of Lamar Avenue abutting the subject property.

VI. Signs – Signage shall be in accordance with the RU-4 District regulations.

VII. The Land Use Control Board may modify the bulk, access, parking, landscaping, loading, screening, signage, and other site requirements if equivalent alternatives are presented: provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may, within ten (10) days of such action file a written appeal to the Zoning Administrator of the Division of Planning and Development, to have such action reviewed by the appropriate Governing Bodies.

VIII. When uncertainty exists within these outline plan conditions, the Zoning Administrator shall be authorized to make all interpretations.

IX. A final plan shall be filed within five (5) years of the approval of the outline plan. The Land Use Control Board may grant extensions at the request of the applicant.

X. Any final plan is subject to the administrative approval by Land Use and Development Services and shall include the following:

- A. The Outline Plan Conditions.
- B. The location and dimensions, including height of all buildings or buildable areas, pedestrian and utility easements, service drives, parking areas, trash receptacles, loading facilities, and required landscaping and screening areas.
- C. The location and ownership, whether public or private of any easement.

- D. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

## DEPARTMENTAL COMMENTS

The following comments were provided by agencies to which this application was referred:

### **City/County Engineer:**

1. Standard Subdivision Contract or Right-Of-Way Permit as required in Section 5.5.5 of the Unified Development Code.

### Sewers:

2. The availability of City sanitary sewer is unknown at this time. Once the developer has submitted proposed sewer discharge rates to the City's Sewer Design Dept. a determination can be made as to available sewer capacity.
3. All sewer connections must be designed and installed by the developer. This service is no longer offered by the Public Works Division.

### Roads:

4. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.
5. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City standards.
6. Sidewalks need to be constructed or crosswalks installed with ADA compliant curb ramps for W Snowden, E Snowden, and Agnes for a safe pedestrian path and at pedestrian entrances.

### Traffic Control Provisions:

7. The developer shall provide a traffic control plan to the city engineer that shows the phasing for each street frontage during demolition and construction of curb gutter and sidewalk. Upon completion of sidewalk and curb and gutter improvements, a minimum 5 foot wide pedestrian pathway shall be provided throughout the remainder of the project. In the event that the existing right of way width does not allow for a 5 foot clear pedestrian path, an exception may be considered.
8. Any closure of the right of way shall be time limited to the active demolition and construction of sidewalks and curb and gutter. Continuous unwarranted closure of the right of way shall not be allowed for the duration of the project. The developer shall provide on the traffic control plan, the time needed per phase to complete that portion of the work. Time limits will begin on the day of closure and will be monitored by the Engineering construction inspectors on the job.
9. The developer's engineer shall submit a Trip Generation Report that documents the proposed land use, scope and anticipated traffic demand associated with the proposed development. A detailed Traffic Impact Study will be required when the accepted Trip Generation Report indicates that the number for projected trips meets or exceeds the criteria listed in Section 210-Traffic Impact Policy for Land Development of the City of Memphis Division of Engineering Design and Policy Review Manual. Any required Traffic Impact Study will need to be formally approved by the City of Memphis, Traffic Engineering Department.

Curb Cuts/Access:

10. The City Engineer shall approve the design, number and location of curb cuts. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.

**City/County Fire Division:**

- All design and construction shall comply with the 2015 edition of the International Fire Code (as locally amended) and referenced standards.
- Fire apparatus access shall comply with section 503. Where security gates are installed that affect required fire apparatus access roads, they shall comply with section 503.6 (as amended).
- Fire protection water supplies (including fire hydrants) shall comply with section 507.
- Where fire apparatus access roads or a water supply for fire protection are required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when approved alternate methods of protection are provided.
- A detailed plans review will be conducted by the Memphis Fire Prevention Bureau upon receipt of complete construction documents. Plans shall be submitted to the Shelby County Office of Code Enforcement.

**City Real Estate:** No comments received.

**City/County Health Department:** No comments received.

**Shelby County Schools:** No comments received.

**Construction Code Enforcement:** No comments received.

**Memphis Light, Gas and Water:** No comments received.

**Office of Sustainability and Resilience:** No comments received.

**Office of Comprehensive Planning:**

Site Address/location: 1325 Lamar Ave - Annesdale Mansion

Land Use Designation: Parks & Recreational Facilities (PR)

Based on the future land use map the proposal **IS CONSISTENT** with the Memphis 3.0 Comprehensive Plan.

### 1. Future Land Use Planning Map



The red box indicates the application site on the Future Land Use Map.

### 2. Land Use Description & Applicability

The site is designated as Parks & Recreational Facilities (PR). Parks & Recreational Facilities are designated public spaces that are meant to be walkable with forms of active and passive recreation. These areas usually contain formal access points from the street and can be any size up to a regional park.



#### “PR” Goals/Objectives:

Active and passive recreation, greening, stewardship, increased accessibility to open space, increased open space/Memphian ratio.

#### “PR” Form & Location Characteristics:

Recreational uses.

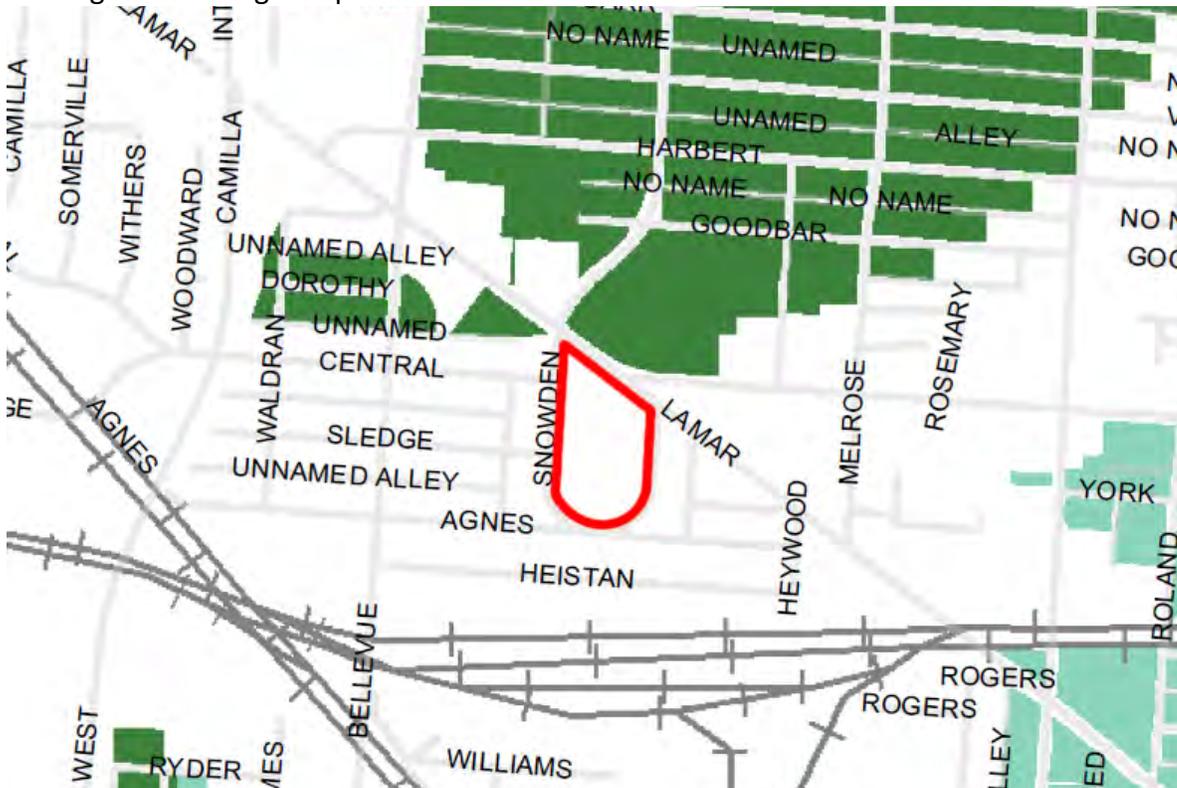
*The applicant is seeking a planned development to expand the uses of a historic residence currently used for special events to include office, retail and lodging.*

The request does not meet the criteria in the form of a recreational use. However, the proposed use is located along a major commercial corridor surrounded by residential. The development will not disrupt the current character of the neighborhood. Therefore, the proposed use is consistent.

3. Existing, Adjacent Land Use and Zoning

The subject site is surrounded by the following land use: Commercial, Single-family Residential, Multi-family Residential, Institutional, Recreation/Open Space, and Vacant. The subject site is surrounded by the following zoning districts: CMU-1, R-6, RU-1, RU-4, RU-3. This requested land use is compatible with these adjacent land uses and zoning districts because the parcel is located along a corridor with similar mixed commercial uses.

4. Degree of Change Map



The site is not located in a Degree of Change area as indicated by the red box in the Degree of Change Map above.

5. Degree of Change Descriptions

N/A

Based on the information provided, the proposal **IS CONSISTENT** with the Memphis 3.0 Comprehensive Plan.

**PD 12-314 ATTESTED RESOLUTION**

**RESOLUTION**

**WHEREAS**, Section 9.6 of the Memphis and Shelby County Unified Development Code, being a section of the Joint Ordinance-Resolution No. 5367, dated August 10, 2010, authorizes the Council of the City of Memphis to grant a planned development for certain stated purposes in the various zoning districts; and

**WHEREAS**, Application has been made for a planned development for property located at 1325 Lamar Avenue, on south side of Lamar Avenue at the intersection of Lamar Avenue and Snowden Circle ; and

**WHEREAS**, The Office of Planning and Development has received and reviewed the application in accordance with procedures, objectives and standards for planned developments as set forth in Article 9.6.9 with regard to the proposed development's impacts upon surrounding properties, availability of public facilities, both external and internal circulation, land use compatibility, and that the design and amenities are consistent with the public interest; and has submitted its findings and recommendation concerning the above considerations to the Land Use Control Board; and

**WHEREAS**, A public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on September 13, 2012 and said Board reported its recommendation to the City Council regarding the objectives, standards and criteria, and the effect of granting the planned development upon the character of the neighborhood and other matters pertaining to the public safety and general welfare; and

**WHEREAS**, The Council of the City of Memphis has reviewed the recommendation of the Land Use Control Board and the report and recommendation of the Office of Planning and Development; and

**WHEREAS**, The Council of the City of Memphis has held a public hearing on the planned development and has determined that the planned development meets the objectives, standards and criteria for a planned development, and said development is consistent with the public interests.

**NOW, THEREFORE BE IT RESOLVED** By the Council of the City of Memphis that the planned development is hereby granted in accordance with the outline plan incorporated in the application, and subject to the attached conditions.

**BE IT FURTHER RESOLVED** That the requirements of said aforementioned section of the Zoning Ordinance-Regulations shall be deemed to have been complied with; that the outline plan shall bind the applicant, owner, mortgagee, if any, and the legislative body with respect to the contents of said plan; and the applicant and/or owner may file a final plan of development in accordance with said outline plan and the provisions of Section 9.6.11 of the Zoning Ordinance-Regulations.

I hereby certify that the foregoing is a true copy and document was adopted, approved by the Council of the City of Memphis in regular session on

cc: Office of Construction Code Enforcement  
City Engineer  
✓ OPD – LUC  
OPD – LUC (East)

Date OCT 16 2012  
Valerie C. Sripes  
Deputy Comptroller-Council Records

ll

**Outline Plan Conditions**  
Annesdale Events  
PD12-314

- I. PERMITTED USES - Uses permitted by right in the RU-4 District with the following additional uses permitted:
1. Special Events including weddings and wedding receptions
  2. Corporate Retreats
  3. Other Special Events

All event activities shall conclude by 10:00pm Sunday through Thursday, (guest shall be off the premises by 11:00pm and staff shall be off the premises by 12:00am).

All event activities shall conclude by 11:00pm Friday and Saturday (entertainment shall conclude by 11:00pm, guest shall be off the premises by 12:00am and the staff shall be off the premises by 1:00am).

II. BULK REGULATIONS

- A. Building Setbacks shall be in accordance with the RU-4 District Regulation except for the following: Setback for any tent or temporary structure shall not be located closer than 60 feet to Snowden Circle East, West or Agnes Place.
- B. The maximum occupancy within the existing house structure shall be 150.

III. CIRCULATION, ACCESS AND PARKING

- A. A maximum of two pedestrian entrances on Snowden Circle shall be provided as generally depicted on the Outline Plan. The pedestrian access on Snowden Circle West shall be located opposite the right-of-way for Sledge Avenue. The pedestrian entrance on Snowden Circle East shall be located opposite Lot Number 134 of the Snowden Homestead Subdivision.
- B. The pedestrian entrances shall be designed in the field to minimize the removal of mature trees.
- C. The pedestrian entrances shall be gated.
- D. A minimum of three security guards for any event requiring off-site parking shall be provided with guards at the pedestrian

Revised 10/16/12

entrances, and a guard at the front entrance on Lamar Avenue. A security guard shall also be posted at the service entrance.

- E. A minimum of 65 guest parking spaces shall be provided on-site in the area as generally shown on the Outline Plan.
- F. On-street parking is permitted in conformance with the Unified Development Code. No valet parking shall be permitted on Snowden Circle/Agnes Place as generally located shown on the Outline Plan.
- G. The existing 5 foot chain-link fence surrounding the site shall be removed by November 1, 2014.

#### IV. LANDSCAPING

Other than the pedestrian access points drive the existing landscaping will generally be maintained as depicted on the Outline Plan.

- V. SIGNS – Signage shall be in accordance with the RU-4 District regulations.
- VI. The Land Use Control Board may modify the bulk, access, parking, landscaping, loading, screening, signage, and other site requirements if equivalent alternatives are presented: provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may, within ten (10) days of such action file a written appeal to the director of the Office of Planning and Development, to have such action reviewed by the Appropriate Governing Bodies.
- VII. A final plan shall be filed within five (5) years of the approval of the general plan. The Land Use Control Board may grant extensions at the request of the applicant.
- VIII. Any final plan is subject to the administrative approval of the Office of Planning and Development and shall include the following:
  - A. The Outline Plan conditions.
  - B. The location and dimensions, including height of all buildings or buildable areas, pedestrian and utility easements, service drives, parking areas, trash receptacles, loading facilities, and required landscaping and screening areas.
  - C. The location and ownership, whether public or privates of any easement.

- D. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

**NOISE DECIBEL EXAMPLE CHART**

# LEVELS OF NOISE In decibels (dB)

<b>PAINFUL &amp; DANGEROUS</b>		
Use hearing protection or avoid	140	<ul style="list-style-type: none"> <li>• Fireworks</li> <li>• Gun shots</li> <li>• Custom car stereos (at full volume)</li> </ul>
	130	<ul style="list-style-type: none"> <li>• Jackhammers</li> <li>• Ambulances</li> </ul>
<b>UNCOMFORTABLE</b>		
Dangerous over 30 seconds	120	<ul style="list-style-type: none"> <li>• Jet planes (during take off)</li> </ul>
<b>VERY LOUD</b>		
Dangerous over 30 minutes	110	<ul style="list-style-type: none"> <li>• Concerts (any genre of music)</li> <li>• Car horns</li> <li>• Sporting events</li> </ul>
	100	<ul style="list-style-type: none"> <li>• Snowmobiles</li> <li>• MP3 players (at full volume)</li> </ul>
	90	<ul style="list-style-type: none"> <li>• Lawnmowers</li> <li>• Power tools</li> <li>• Blenders</li> <li>• Hair dryers</li> </ul>
Over 85 dB for extended periods can cause permanent hearing loss.		
<b>LOUD</b>		
	80	<ul style="list-style-type: none"> <li>• Alarm clocks</li> </ul>
	70	<ul style="list-style-type: none"> <li>• Traffic</li> <li>• Vacuums</li> </ul>
<b>MODERATE</b>		
	60	<ul style="list-style-type: none"> <li>• Normal conversation</li> <li>• Dishwashers</li> </ul>
	50	<ul style="list-style-type: none"> <li>• Moderate rainfall</li> </ul>
<b>SOFT</b>		
	40	<ul style="list-style-type: none"> <li>• Quiet library</li> </ul>
	30	<ul style="list-style-type: none"> <li>• Whisper</li> </ul>
<b>FAINT</b>		
	20	<ul style="list-style-type: none"> <li>• Leaves rustling</li> </ul>

## OCTOBER IS NATIONAL AUDIOLOGY AWARENESS MONTH AND NATIONAL PROTECT YOUR HEARING MONTH

Visit [www.HowsYourHearing.org](http://www.HowsYourHearing.org) to learn more about audiology and hearing loss.

Think you may have a hearing loss? Click on the "Find an Audiologist" link of the Web site to locate and set up an appointment with an audiologist in your area to get your hearing tested.

**APPLICATION**

Authentisign ID: 660DEBA8-B7FB-491C-8FE5-5E9DADFA1BBC



*Memphis and Shelby County*  
*Office of Planning and Development*

CITY HALL 125 NORTH MAIN STREET-SUITE 468 MEMPHIS, TENNESSEE 38103-2084 (901) 576-6601

**APPLICATION FOR PLANNED DEVELOPMENT APPROVAL  
(OUTLINE PLAN APPROVAL/OUTLINE PLAN AMENDMENT)**

Date: August 5, 2021

Case #: \_\_\_\_\_

PLEASE TYPE OR PRINT

Name of Development: Murphy Maude Manor

Property Owner of Record: Ken Robison Phone #: 901-488-8100

Mailing Address: 1325 Lamar Avenue City/State: Memphis, TN Zip 38104

Property Owner E-Mail Address: kenrobison@bellsouth.net

Applicant: Leslie Murphy Phone # 901-848-6402

Mailing Address: 94 Cumberland Street City/State: Memphis, TN Zip 38112

Applicant E- Mail Address: leslie@murphymaudeinteriors.com

Representative: Kate Haywood Phone #: 901-268-1718

Mailing Address: 94 Cumberland Street City/State: Memphis, TN Zip 38112

Representative E-Mail Address: kate@murphymaudeinteriors.com

Engineer/Surveyor: SR Consulting Phone # 901-373-0380

Mailing Address: 5909 Shelby Oaks Dr #200 City/State: Memphis, TN Zip 38134

Engineer/Surveyor E-Mail Address: melissa.johnson@srce-memphis.com

Street Address Location: 1325 Lamar Avenue Memphis, TN 38104

Distance to nearest intersecting street: The subject property is bounded by Lamar Avenue on the north, W Snowden Circle on the west, E Snowden Circle on the east, and Angeles Place on the south.

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	<u>7.176</u>	_____	_____
Existing Zoning:	<u>RU-4</u>	_____	_____
Existing Use of Property	<u>Residence/Special Events</u>	_____	_____
Requested Use of Property	<u>Indoor/Outdoor Recreation</u>	_____	_____
	<u>Office, Retail,</u>	_____	_____
	<u>Bed+Breakfast</u>	_____	_____

**Medical Overlay District:** Per Section 8.2.2D of the UDC, no Planned Developments are permitted in the Medical Overlay District.

**Unincorporated Areas:** For residential projects in unincorporated Shelby County, please provide the following information:

Number of Residential Units: \_\_\_\_\_ Bedrooms: \_\_\_\_\_

Expected Appraised Value per Unit: \_\_\_\_\_ or Total Project: \_\_\_\_\_

Authentisign ID: 660DEBA8-B7FB-491C-8FE5-5E9DADFA1BBC

**Amendment(s):** Is the applicant applying for an amendment to an existing Planned Development?

Yes \_\_\_\_\_ No  \_\_\_\_\_

The following modifications to existing planned developments are considered amendments: 1) a change to the permitted uses in a planned development, except in situations where a use of a higher classification is proposed to be changed to a use of a lower classification; 2) a modification to conditions that phases the uses, and 3) a conversion of public streets. See Section 9.6.11E(1) of the UDC for further details.

#### 4.10.3 Planned Development General Provisions

The governing bodies may grant a special use permit for a planned development which modifies the applicable district regulations and other regulations of this development code upon written findings and recommendations to the Land Use Control Board and the Planning Director which shall be forwarded pursuant to provisions contained in section 4.10.3:

Please address each sub-section below (Provide additional information on a separate sheet of paper if needed).

- The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.

The proposed use of Annesdale will not detract from or hinder use or development of the surrounding properties. With the special events portion of the business proposed to offset maintenance costs of the home, plans are underway to minimize noise transfer.

- An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development.

The current water supply, waste water, and storm water infrastructure are existing and will remain as-is to support the use of the home.

- The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses... (see UDC sub-section 4.10.3C)

The service facilities are compatible with the surrounding land uses and will remain as-is. Improvements were previously made in replacing a chain-link fence with an iron fence around the home along with the addition of pedestrian entries from W and E Snowden Cir.

- Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest.

We feel that the public interest is at the forefront with continuing the stewardship of the historic home and are committed to being a neighborhood partner.

- Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements.

The home will be wholly owned by Leslie Murphy who will maintain the grounds in entirety.

- Lots of records are created with the recording of a planned development final plan.

Acknowledged.

Authentisign ID: 660DEBA8-B7FB-491C-8FE5-5E9DADFA1BBC

**REQUIREMENTS PRIOR TO APPLICATION SUBMISSION**

**PRE-APPLICATION CONFERENCE** - Not more than six (6) months nor less than five (5) working days prior to filing an application, the applicant shall arrange for a mandatory pre-application conference with OPD.

Pre-Application Conference held on: July 29, 2021 with Chip Saliba

**NEIGHBORHOOD MEETING** – At least ten (10) days, but not more than 120 days, prior to a hearing before the Land Use Control Board, the applicant shall provide an opportunity to discuss the proposal with representatives from neighborhoods adjacent to the development site (Section 9.3.2).

Neighborhood Meeting Requirement Met: Yes or **Not Yet** (Circle one)  
(If yes, documentation must be included with application materials)

**SIGN POSTING** – A sign or signs shall be erected on-site no more than 30 days or less than 10 days prior to the date of the Land Use Control Board hearing. See Sub-Section 9.3.4C of the UDC for further details on sign posting.

I (we) hereby make application for the Planned Development described above and on the accompanying materials. I (we) accept responsibility for any errors or omissions which may result in the postponement of the application being reviewed by the Memphis & Shelby County Land Use Control Board at the next available hearing date. I (We), owner(s) of the above described property hereby authorize the filing of this application and the above named persons to act on my behalf.

Authentisign <i>Ken Robison</i>	08/05/2021	<i>Leslie Murphy</i>	8/3/2021
Property Owner of Record	Date	Applicant	Date

**GUIDE FOR SUBMITTING  
PLANNED DEVELOPMENT APPLICATION  
(OUTLINE PLAN APPROVAL/OUTLINE PLAN AMENDMENT)**

A. **THE APPLICATION** - Two (2) collated sets of this application in accordance with the requirements of the Unified Development Code and as outlined below shall be submitted to OPD. The following information is required to be submitted for consideration as a complete application, and except for copies of the Outline and/or Site/Concept Plan, shall be provided on sheets of 8.5"x11" in size. The application with original signatures shall be completed either with legible print or typewritten. Each application set shall be compiled in the following order:

- 1) This application, 8.5"x11" Outline and/or Site/Concept Plan, Legal Description, Vicinity Map, 2-3 sets of gummed-backed Mailing Labels, 2 sets of paper copied Mailing Labels, Letter of Intent, 20"x24" Outline and/or Site/Concept Plan (folded), copy of Deed(s).
- 2) A compact disc with all submittal documents in "PDF" and any proposed conditions in "WORD".

B. **LETTER OF INTENT** - The letter shall include the following:

- a) A brief narrative statement generally describing the nature, location and extent of the development and the market it is intended to serve.
- b) A list of any professional consultants associated with the proposed development.
- c) A written statement generally describing the relationship of the proposed development to the current policies and plans of the City and County. The statement shall include how the proposed

**LETTER OF INTENT**



CITY OF MEMPHIS  
DEPARTMENT OF PLANNING AND DEVELOPMENT  
RE: LAND USE CONTROL BOARD: **PLANNED DEVELOPMENT** APPLICATION  
**LETTER OF INTENT: MURPHY MAUDE MANOR**  
August 5, 2021

To Whom It May Concern:

Please consider this a request to begin the Planned Development process for the property located at 1325 Lamar Avenue in Memphis, Tennessee 38104 (parcel number is 015010 00001). The property is approximately 7 acres and the Annesdale Mansion is located on the site which is currently zoned RU-4. The property is under contract for purchase by Leslie Murphy, owner and creative director of Murphy Maude Interiors (MMI). The desired use of the property is to locate the offices of Murphy Maude Interiors along with associated showroom retail space within the home with the ability to continue the events portion of the business that has been underway on the property for the past 8 years. A potential future use of a Bed and Breakfast is also proposed. The home would be core to MMI's clientele who are designers, home owners, and custom home builders who appreciate fine architecture and custom textiles.

The involved professional consultants are the current owner's previous and ongoing work with Cindy Reaves with SR Consulting, LLC, Lamar Gibson with Miestro (working through music and acoustic concerns brought to our attention by neighborhood captains), and Kate Haywood, architect with Murphy Maude Interiors.

Memphis 3.0 future land use plan identifies this property as a Park/Recreational Facility, and the current RU-4 zoning would allow for single to multi-family development of the property. We understand that it is the desire of the neighborhood to preserve the home and grounds and to serve within uses that would complement the ability to maintain the property for generations to come. Opposed to removing the historic home and building apartment buildings, it is our desire to be a steward of the home made possible by the income generated from hosting weddings and other curated events that support the arts community. This would all be in support of the ability to locate Murphy Maude Interiors in the home. We desire to be a partner with the neighborhood and city to preserve this example of 1850's Italian Villa architecture and are committed to ensuring that our presence

is a positive addition. In support of this, we have collaborated with several neighbors to understand current pain points and are currently working with a local acoustical engineer on strategies to mitigate these issues that are currently experienced when events take place on the property.

There was a previous Planned Development on the property that expired due to not filing the final plat which included removing a chain link fence around the property and installing an iron fence pushed further from the street, along with adding 2 pedestrian access points from the surrounding streets; these items were resolved and are in place. There are not any additional planned modifications as it is our intent to preserve the home and grounds.

We are grateful for the collaboration with the Department of Planning and Development thus far. Chip has been instrumental in assisting our team to understand all components to the PD process and provided us with community contacts who have been gracious with their time discussing previous/current pain points to allow us to be the best future neighbors we can. We are also grateful to Memphis Heritage for their assistance on understanding how to best be a steward of the home in the future and for working to provide historical photographs for reference on original aspects of the home.

The current owner of the property, Ken Robison, restored Annesdale over the last decade elevating the home back into a beautiful example of historic architecture, and we would be grateful to provide leadership in carrying the home into its next century of existence.

Much appreciated,

A handwritten signature in black ink, appearing to read 'K. Haywood', with a stylized, cursive flourish at the end.

Kate Haywood, Representative in the above referenced application  
Director of Interior Architecture  
Murphy Maude Interiors

**SIGN AFFIDAVIT**

**AFFIDAVIT**

Shelby County  
State of Tennessee

I, Leslie Murphy, being duly sworn, depose and say that at 3:00 am/pm on the 23 day of August, 2021, I posted 1 Public Notice Sign(s) pertaining to Case No. PD 2021-30 at 1325 Lamar, providing notice of a Public Hearing before the  Land Use Control Board,  Memphis City Council,  Shelby County Board of Commissioners for consideration of a proposed Land Use Action ( Planned Development,  Special Use Permit,  Zoning District Map Amendment,  Street and/or Alley Closure), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

Leslie D. Murphy  
Owner, Applicant or Representative

9/1/21  
Date

Subscribed and sworn to before me this 1<sup>st</sup> day of Sept, 2021.

Shelley Pahn  
Notary Public

My commission expires: April 06 2025



**LETTERS RECEIVED**

Ten letters of opposition and/or concern of certain aspects of the proposal were received at the time of completion of this report and have subsequently been attached.

To the members of the Land Use Control Board and Office of Planning and Development,  
For the last 6 years or so, I have served two stints as President of the Annesdale-Snowden Historic Neighborhood Association. Throughout that time, many neighbors have recounted frustrations with nuisance-level noise from outside events hosted by the Annesdale Mansion. The noise level has prompted residents around the circle to call the events manager at Annesdale, the current owner—Ken Robison, the Memphis Police, Code Enforcement, and to pursue a range of legal remedies through the courts. Neighborhood residents have likewise shared frustrations both that Ken Robison and his staff were unwilling to take responsibility for the noise blasting down from Annesdale and also that OPD, LUCB, MPD and Environmental Court have been unable to offer timely relief from this ongoing nuisance. At least one former neighbor (Stanton Thomas, former Curator at the Memphis Brooks Museum of Art) cited the nuisance-level noise as a significant factor in the decision to relocate his family from Memphis to another state, leaving a home he had loving restored and neighbors he valued.

**Our Association Board has broad consensus in opposition to PD 2021-30 Annesdale development, as submitted by Murphy Maude Interiors.**

1. Some Board members oppose any use of the property for hosting outside events. These neighbors doubt that any restrictions on events at Annesdale could be enforced in a timely manner by those (OPD, LUCB, Code, MPD, Environmental Court) who have repeatedly failed to do so in the past. These neighbors see the problem as a story not only of a bad actor who neglected responsibility for the events he hosted at Annesdale, but also of the failure of City and County government to defend the rights of surrounding property owners. These neighbors have a right to be free from the negative effects of a frequent public nuisance and from threats to their health and safety (since noise levels above 85 db can cause hearing loss with prolonged exposure and it is far from clear that COVID protocols have been followed at events). Because event hosting could gross between \$250,000 and \$500,000 a year, these neighbors fear a new owner might continue the old ways and keep a lawyer on retainer to drag out any suit neighbors might bring to seek relief against the venue.
2. Some Board members would be willing to consider allowing events if Murphy Maude Interiors submitted a revised application specifying significant, enforceable restrictions that would have to be accepted by the Association Board. That binding covenant would have to specify measurable limits on events at Annesdale and the consequences for not adhering to the agreement. Those limits might include, among other suggestions:
  - Decibel levels that will not be exceeded. The Association Board has discussed a level around 50 db.
  - Revised limits on the time for ending music for any new contracts. The neighborhood association prefers the cut off to be 9:00 p.m. as with the Levitt Shell.
  - For events that Ken Robison contracted sans required permit, the neighborhood association would expect a lower decibel threshold for any music after 9:00 p.m.
  - Limits on the number of new outside events can be contracted and scheduled per month. The neighborhood association feels it is inappropriate for events to be scheduled every weekend during comfortable weather.
  - A sunset clause that would require re-permitting of events after 2 or 3 years to allow for re-evaluation of the ongoing effect of events on Annesdale-Snowden quality of life under Leslie Murphy's management. The neighborhood association is categorically opposed to granting a variance in perpetuity.

- Prohibition of public (event) parking on the outside of Snowden Cir. And on the Central section of Agnes Place. Street signs should designate this parking as for residents only, as is done on some neighborhood streets near Overton Square.
- Prohibition of commercial vehicles, such as large buses, parking and idling on neighborhood streets for hours during events.

These Board members would like to see Leslie Murphy run a successful business at Annesdale if that could be done in a way that respected the rights and needs of Annesdale-Snowden neighbors.

To date, the prospective buyer, Leslie Murphy, has taken a business position of not agreeing to anything specific and measurable in conversation with a large group of Annesdale-Snowden neighbors at Memphis Heritage Monday night (August 30) or at Annesdale last week. (Murphy Maude's architect stated they had simply copied Ken Robinson's application and made a few changes to request additional nonconforming uses to expand their options; nothing in the submission addresses neighborhood grievances.) I hope that the current application represents her opening position rather than her best offer.

With additional time to negotiate solutions that would respect the needs of the surrounding neighbors and the pressure from LUCB to make some changes or face rejection, Leslie Murphy might be able to come to some agreement with the Annesdale-Snowden Neighborhood Association that is mutually beneficial. I am aware that some Board members (and neighbors) will not be satisfied with any solution that includes Annesdale hosting events, though even these neighbors are not opposed to using the Mansion for office space, showroom space, a boutique hotel or even a bed and breakfast. At the Memphis Heritage meeting, Leslie Murphey shared her desire to base her business at Annesdale for the long-term and to one day retire there. If she is committed to the preservation of the house for the next 150 years, she might be willing to take steps such as relinquishing the right to build multi-story, multi-family housing units on the grounds or joining the historic neighborhood association, so that Landmarks could play a larger role in review of any infill housing planned in the future, even after she no longer controls the property.

Annesdale-Snowden neighbors agree that the status quo is by no means acceptable. Living in an environment of ongoing nuisance-level noise:

- Significantly reduces quality of life within the "blast zone";
- Disincentivizes long-term residence in the neighborhood, resulting in a less stable neighborhood as properties turn over quicker;
- Disincentivizes homeowner investment in neighborhood properties within the Mansion "blast zone," because neighbors cannot see themselves living in such a tortuous environment for the long-term; and over time
- Contributes to neighborhood blight and, thus, erosion of the City tax base.

**I would hope that the Office of Planning and Development will not recommend proceeding with PD 2021-30 as submitted.**

Christopher Church, President  
 Annesdale-Snowden Historic Neighborhood Association  
 1215 Central Ave.  
 Memphis, TN 38104

## 1325 Lamar Avenue

Carissa Hussong <cnhussong@gmail.com>

Fri 9/3/2021 7:52 AM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>

Cc: Linda and Marty Lipinski <lclipinski@gmail.com>; Maria Fuhrmann <mkfuhrmann@gmail.com>

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Dear Mr. Penzes,

Under no circumstances should the Annesdale Mansion, 1325 Lamar Avenue, be granted a permit to host events if it does not become part of the Annesdale Snowden Historic District.

As neighbors who live along Snowden Circle, we have been repeatedly told that the intention of both the current owner and of the applicant is to preserve the historic property and that events are critical to generating revenue to maintain the property. If, in fact, their intention is to preserve the property, they should want to include it in the historic district. Instead, it seems they want to keep the property out of the district in order to maintain all future development options. Placing the property in the historic district does not prevent future development. Rather it will ensure that any proposed development is in keeping with the historic nature of the neighborhood and is thereby an asset to the community. If we are going to be asked to continue to accept the noise, parking and trash issues that have plagued our neighborhood as a result of the mansion being used as an event venue, we should be guaranteed that in doing so the historic integrity of the property and the neighborhood will be preserved.

It should be further noted that there has been no oversight of the current use of the property, meaning that repeated noise and parking violations committed by the current owner have not been addressed. When the police are called because the events are too loud or continue beyond 10 or 11 pm, we are told to call code enforcement. When we call code enforcement, we are told to call the police. When the current special use permit expired several years ago, the events were allowed to continue. If the current use request does not include some manner for immediate oversight and enforcement, it should not be granted. It is not right for the residents to have to assume legal fees to address illegal activity.

If this permit is approved, the property should be required to follow the same rules regarding when events must end as Levitt Shell. The houses in our neighborhood are closer to the event space than those around Overton Park and the noise is even more disruptive to our lives.

We understand the need to generate revenue to maintain the property - and if that is truly the applicants intent, the property should be placed within the historic district and there should be a means of revoking the permit for violations of said permit.

Respectfully,

Carissa Hussong and David Lusk  
1293 Central Avenue

--

Carissa Hussong

[Cnhussong@gmail.com](mailto:Cnhussong@gmail.com)

## Annesdale PD

Christopher Church <oldhousechris@gmail.com>

Fri 8/27/2021 3:18 PM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>

Cc: Whitehead, Josh <Josh.Whitehead@memphistn.gov>; Zeanah, John <John.Zeanah@memphistn.gov>

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I am the 20-year-in-residence owner of 1215 Central Ave., Memphis, TN 38104. For much of the last 6 years or so, I have also served two stints as President of the Annesdale-Snowden Historic Neighborhood Association. Today, I am not writing in my official capacity as a spokesperson for the Board or our approximately 200 homeowners, but as a concerned neighbor in solidarity with those residing in the horseshoe surrounding the Mansion and those living halfway down those side streets (Central, Sledge, Agnes) to the west of W. Snowden Cir.

**I am in strong opposition to PD 2021-30 Annesdale development**, specifically to any provision that would allow for hosting of outside events with amplified music in perpetuity. Over the past several years, I have had many neighbors recount their frustrations with nuisance-level noise from outside events hosted by the Annesdale Mansion. I have also heard their frustrations that OPD, LUCB, MPD and Environmental Court have been unable to offer timely redress of their ongoing grievances. Though I suspect that you share some of their frustrations, you do not share their burden of living in an environment of nuisance-level noise. I wish to address the negative effect hosting these events at Annesdale have had, and continue to have, on my neighbors' quality of life.

Many Annesdale-Snowden neighbors living in the vicinity of the Mansion describe their past experience of neighborhood life before the event noise nuisance as that of living in a quiet, parklike setting in which bird calls could be heard at dusk. That quiet in the heart of the City is what long-time neighbors bought into when purchasing a home on the east side of Bellevue. Many of those attracted to our diverse and inclusive in-town neighborhood value a front-porch culture, in which neighbors could once enjoy the few months of pleasant weather we have in Memphis between the extreme heat and winter chill. Unfortunately, those few months of pleasant weather are the prime times for event bookings, often leaving neighbors without a single comfortable weekend in which to enjoy their porches, yards, neighborhood sidewalks or even the interiors of their homes.

Front-porch culture fosters neighborhood cohesion, as those sitting on their porches or working in their front yards interact with neighbors walking their dogs, out with a small child in a stroller or stopping while out for a jog. These human interactions make our neighborhood safer and our common life richer as we get to know each other. These experiences simply are not possible against a backdrop of deafening, bone-rattling noise blasted from the heights of the Annesdale Mansion backlot. (Since sound, like water, will travel downhill over a great distance, I lack confidence that noise remediation efforts of prospective owners will satisfy their near neighbors.)

Here is but a sampling of what Annesdale-Snowden neighbors have shared regarding the impact of nuisance-level noise on their quality of life over the past several years:

- Windows rattling in their homes for hours;

- Inability to put a preschooler down for an afternoon nap;
- Inability to talk with an out-of-state parent over the phone, not even in the back of the house;
- Inability to watch and hear televised sporting events inside their homes without cranking the volume up to maximum levels;
- Inability to help children with homework on Sunday afternoons or evenings because of inability to hear or be heard;
- Inability to retire early and sleep when necessary to be rested for an early morning flight the next day or for school on Monday morning;
- Inability to host friends for dinner or a game night during the event season;
- The need to rent a local hotel for the weekend to be able to escape the noise.

The Land Use Control Board should be concerned with my neighbors' subjective experience of greatly diminished quality of life, because living in an environment of ongoing nuisance-level noise has objective effects; it:

- Disincentivizes long-term residence in the neighborhood, resulting in a less stable neighborhood as properties turn over quicker;
- Disincentivizes homeowner investment in neighborhood properties within the Mansion "blast zone," because neighbors cannot see themselves living in such a tortuous environment for the long-term; and over time
- Contributes to neighborhood blight and, thus, erosion of the City tax base.

Dr. Martin Luther King wrote that "Justice too long delayed is justice denied." That OPD, LUCB and Environmental Court have been unable to offer timely redress of neighbors' grievances regarding nuisance noise has eroded confidence in local government's ability to promote the common good. The LUCB should allow uses of the Mansion that will encourage rather than be an obstacle to our efforts to continue to revitalize our neighborhood.

Any business model for the Annesdale property that relies on hosting events to subsidize business operations or maximize profits for the Annesdale Mansion owners will continue to rob Annesdale-Snowden neighbors of their quality of life. That is an injustice that should not be perpetuated.

Please feel free to contact me if you have any questions or would like to discuss any of these points.

Christopher Church, Ph.D., HEC-C

1215 Central Ave.

Memphis, TN 38104

(901) 846-6862 (c)

[oldhousechris@gmail.com](mailto:oldhousechris@gmail.com)

----- Original message -----

From: Jesse Faris <jessefaris@gmail.com>

Date: 8/30/21 8:50 AM (GMT-06:00)

To: oldhousechris@gmail.com

Subject: 1279 Sledge Statement

Hi,

We live close to Snowden Circle on Sledge Avenue. Each weekend, we expect to hear music from the Annesdale Mansion related to events hosted there. Sometimes this is even enjoyable--we've heard some great voices and some favorite covers from our front porch over the 6 years we've lived in this neighborhood!

However, there are also times when particular events/DJs/bands play music much too loud and/or much too late for the comfort of neighborhood residents. My family has never complained to the police, nor have we posted complaints on the neighborhood social media pages. Even so, we have felt occasionally and sometimes even regularly unhappy with the disrespect shown toward Annesdale Snowden residents by the event hosts and ultimately the owners of the Annesdale Mansion.

We feel it is unreasonable for music ever to rattle our windows (which are a good distance from the Mansion), to be able to identify what song is being played/sung as we watch television in our living room, or to hear music inside our house after 9:30pm when we are attempting to fall asleep in preparation for an early morning of work. We feel this is a fair request, particularly because we have put our young children to bed over these last years with event music playing in the background--we have specially purchased white noise machines to counteract more reasonable outside volumes.

We hope the Annesdale Mansion will continue to be an asset to our community, as it is a historical jewel in our neighborhood. We also hope that the new owners will prioritize good neighborhood relationships by enforcing strict noise rules on events held at the Mansion. We look forward to many more porch hangs with great background music (at reasonable and respectful volumes)!

Jesse Faris and family  
1279 Sledge Ave

On Aug 30, 2021, at 8:25 PM, oldhousechris <oldhousechris@gmail.com> wrote:

Thanks, Jesse, for beautifully composed thoughts. Do you mind if I forward your email to the City's Planning & Development and Land Use Control Board?

Chris Church

Sent via the Samsung Galaxy S7 edge, an AT&T 4G LTE smartphone

From: Jesse Faris <jessefaris@gmail.com>

Date: 8/30/21 9:12 PM (GMT-06:00)

To: oldhousechris <oldhousechris@gmail.com>

Subject: Re: 1279 Sledge Statement

Please feel free!

Jesse Faris  
Sent via iPhone

Good afternoon John and Josh. As you know, Murphy Maude Interiors has applied for a planned development at the Annesdale Mansion. As a resident of the Annesdale neighborhood who lives right across the street from the Mansion, I am emailing you so as to go on record as being strongly opposed to any planned development that will include "events" of any kind. These include recreation, weddings, festivals, art festivals, parties, concerts, music, and the like whether they are inside or outside.

Your office is aware that we have been negatively impacted for years by extremely loud music and noise from events at Annesdale. The noise is beyond simple irritation. It rattles our windows and does not allow us to watch a movie or go to bed during events, much less have company or spend time outside. You are also aware how difficult it is to get any recourse once a permit is approved and the use is not what was represented during the application process. I am simply not willing to take that chance again.

I am unopposed to any development that involves office and/or retail space. I may be open to a "Boutique Hotel" concept or possibly a traditional Bed & Breakfast (not the short term rental Airbnb model). Thanks.

Sincerely,

Keith A Humphreys  
1349 Agnes Pl  
Memphis, TN 38104  
901-356-4293

## Annesdale PD

Martin E Lipinski (mlipinsk) <mlipinsk@memphis.edu>

Wed 8/25/2021 1:53 PM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>

Cc: Whitehead, Josh <Josh.Whitehead@memphistn.gov>; Zeanah, John <John.Zeanah@memphistn.gov>

📎 1 attachments (184 KB)

sample noise ordinance decibel requirements.pdf;

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As a resident of Annesdale- Snowden Historic District, I would like to share my thoughts on PD 2021-30 Annesdale development. First, let me emphasize that we would like the applicant to be successful. The proposed uses of a showroom and office and possibly a bed and breakfast would be an ideal use of this historic home. However, we are very concerned about the continued use of the property as a special events venue if the level of music/noise is not abated.

As you know, the noise level has been a continuing issue with the present owner. In fact, there are two suits pending against him, one in environmental court and one in chancery court. We would like to see these suits resolved prior to approval of any new land use. The neighbors have not been told the truth by the present owner on several issues and are a little gun shy about accepting promises without having some assurances that controls will be put in place.

As we understand the situation, there are 29 events planned between now and December, 2022 which will be honored with the sale of the property. My initial question is how can these events be held when the present owner does not have a permit to operate? My second question is, if these events are held, what can be done to control the sound level. And my third question is what can be done to monitor the sound level and have the police or code enforcement require the venue to reduce it or shut down.

In a recent meeting the potential new owners indicated they would conduct studies on how to reduce the sound level outside the venue by using sound blankets, structures, or other means such as limiting devices on the band's amplifiers. I support these efforts but would like to see proof that these devices work and are installed.

I would like to see conditions imposed that level the sound level at the curb lines across the street and also limit the hours of operation. Currently the events are permitted until 11 pm on Friday and Saturday and 10 pm on other days. I would like to see these reduced to at least 10 pm on Friday and Saturday and 9 pm on other days. As a point of reference, performances at the Levi Shell in Overton Park, when functioning, stop at 9 pm on Friday and Saturday.

Does the UDC address noise levels for various land uses?

We have been told by the present owner that he has no control over the level of the music and that the bride picks the band and they can play as loud as she wishes. I would like a requirement, in writing, that the venue is responsible for monitoring and controlling the sound level.

I am attaching a summary of noise ordinances in cities across Tennessee. I would like to see a designated sound level as measured by a decibel meter, put in the conditions. In addition, I want to see, in very specific terms, who can be called to enforce the limit and what are the consequences if the limit is exceeded. For example, the first time at a single event the venue is warned, they must reduce the sound below the prescribed limit. If the police or code enforcement are called again, the venue is shut down for the event.

Whoever is designated as the enforcement body must understand the conditions under which the permit to operate a special events venue has been issued and must be willing and able to enforce the regulation, even if it means terminating the event.

Perhaps this sounds a bit Draconian, but we have been burned badly by the action, or should I say inaction of the present owner. From all indications, the potential buyers of the property are acting in good faith and are trying to respond to neighbor concerns. We just need assurances that we won't have to suffer any further damage.

I understand that the potential owners consider the ability to hold special events a key factor to offset maintenance costs and in deciding if they can financially afford the purchase. Given the current rental rate of \$12,500 for weekend events, the 29 events already scheduled would bring in over \$300,000 in income. I want the potential owner to be successful, but not at the expense of the neighborhood and we must have conditions in place with teeth for our protection.

There are also a few additional issues, not as significant. Because not all homeowners around Snowden Circle have driveways we would like to see no valet parking on the outside of Snowden Circle.

Also, the owners should be responsible for trimming trees and brush around the property and also for picking up trash on a regular basis. I own property with Lamar frontage, and we pick up trash once or twice week. It is not a big deal but needs to be done regularly.

In summary, these are the issues I would like to see addressed in establishing the conditions for approving the PD:

- No action taken on this item until the two law suits are resolved
- If conditions for operation are considered, how will the existing contracts for special events be handled? What noise level and time restrictions will be in force? These should be subjected to revised conditions accompanying this PD approval
- The owner must install and test the adequacy of sound dampening devices such as barriers, blankets, sound limiting devices on amplifiers, etc. With the installation of these devices, the sound level shall be below a prescribed level.
- An acceptable sound level, measured at the property line of adjacent properties shall be established and enforced.
- The venue and not the person renting the facility shall be responsible for meeting the sound level requirements.
- It is imperative that a mechanism be in place to enforce the conditions in the approval of the PD. A process must be established where individuals adversely impacted by the sound can report the issue and have someone in authority respond, evaluate the situation, and be in a position where they can take action and require the venue to conform to the conditions or be shut down.
- The owners are responsible for controlling vegetation around Snowden Circle and for picking up litter around the property's perimeter.
- No valet parking shall be permitted along the outside curbs of Snowden Circle.

Please feel free to contact me if you have any questions or would like to discuss any of these points.

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## SAMPLES OF CITY CODES REGULATING NOISE DECIBELS

### BERRY HILL

**11-302. Anti-noise regulations.** It is unlawful to create, emit or cause to be emitted any excessive, loud and disturbing noise. The following shall be prima facie evidence of excessive, loud and disturbing noise:

(1) The use of any musical instrument, radio set, television set, phonograph, victrola or other instrument, machine or device for amplifying, producing or reproducing sound, in such manner as to disturb the peace and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing of the persons who are in the room, chamber or in the vicinity in which such instrument, machine or device is operated and who are voluntary listeners thereto. The operation of any such instrument, machine or device between the hours of 9:00 P.M. and 7:00 A.M. in such a manner as to be plainly audible at a distance of fifty (50) feet or more from the building or structure in which it is located shall be prima facie a violation of this section.

(2) Any noise created for the entertainment, enjoyment or benefit of the creator or their guests shall be presumed to be excessive, loud and disturbing if any of the following apply:

- (a) The noise is clearly audible for a distance of 50 feet or more from the property line from which the noise emanates, or
- (b) The noise is clearly audible by a passenger of a motor vehicle, other than a vehicle from which the noise may come, on a public street or thoroughfare with the doors and windows of the vehicle closed; or
- (c) The noise occurs between the hours of 9:00 P.M. and 7:00 A.M. and can be heard more than thirty (30) feet beyond the property line from which the noise emanates; or
- (d) In the event noise measuring devices or equipment are available, or become available, to measure the noise as against the ambient background noise, and the noise exceeds the ambient background noise by 15 decibels at any time between 9:00 P.M. and 7:00 A.M. or the noise is 25 decibels louder than the ambient background noise at any hour without regard to cause. Measurements of noise and ambient background noise shall be made at the property line unless other persons using the same property are complaining about the noise in which case the measurement shall be from the source of the noise. The use of measuring devices may be used as a supplement to other evidence or as evidence of a violation but is not required for the establishment of a violation. This section is not intended to be exclusive of any other section or provision of this chapter and use of a measuring device or equipment, when used, may be supplemental and does not preclude establishing a violation of other sections or through other evidence.

(3) Noise created in vehicles, including a radio, tape or disk player, or by a device or devices on the vehicle or from the vehicle, other than vehicle horns, shall be a violation of this section and presumed excessive, loud and disturbing if the noise is audible at a distance of twenty-five (25) feet or more from the vehicle.

(4) Vehicle horn blown when the vehicle or operator is not in immediate danger or when not used to warn or signal immediate and/or eminent danger.

(5) Noise made to attract attention to an event or sale which is audible 50 feet or more from the source or which exceeds the ambient background noise by 15 decibels.

(6) Persistent barking of a dog or other animal sounds which are audible 50 feet or more from the source or which exceeds the ambient background noise by 15 decibels. Dog barking or any other animal sounds which are 15 decibels louder than the ambient background noise shall be presumed to be unreasonable and disturbing if it is created between 9:00 P.M. and 7:00 A.M.

(7) Exterior construction using hammers, power tools or motor driven equipment between the hours of 9:00 P.M. and 7:00 A.M.

(8) Lawnmowers, bush clearing equipment, blowers, and other equipment used for cleaning or maintenance shall be exempted from this section if the equipment meets the following provisions:

(a) The equipment is being operated and used for the purpose for which it was intended.

(b) The equipment is being operated with the use of all sound dampening devices which meet or exceed original equipment.

(c) The equipment is being used between the hours of 7:00 A.M. and 9:00 P.M.

(d) The equipment is used for the limited time required to accomplish the particular work or job activity.

(9) A violation of this chapter shall be punishable by a fine not to exceed five hundred dollars (\$500.00). (Ord. #98-299, July 1998, as amended by Ord. #2000-313, Oct. 2000)

## PIGEON FORGE

**11-805. Prohibited noise sound level standards.** Any act in violation of the following subsections is deemed to be in violation of the chapter without in any way limiting the generality of the provisions of § 11-804.

(1) Maximum permissible sound pressure levels. The maximum permissible sound pressure levels of any continuous source of sound shall be as herein established for the time period and district listed in Table A of this section. This includes, but is not limited to, sound from such activities as production, processing, cleaning, servicing, testing, operating, or repairing either vehicles, materials, goods, products or devices. Sound pressure levels in excess of those established for the districts of the city, in times herewith listed, shall constitute prima facie evidence that such sound is an unnecessary noise. Sound pressure levels shall be measured at the approximate location of the property line or the boundary of the public way, at a height of at least four (4) feet above the immediate surrounding surface, on a sound level meter of standard design and operated on the "A" weighting network.

TABLE A

Sound Pressure	Level Limit db(A)	
	Day 7 A.M.-10 P.M.	Night 10 P.M. - 7 A.M.
District		
Residential	55	50
Commercial	65	55
Industrial	80	75

When a noise source can be identified and its noise measured in more than one district, the sound pressure level limits of the most restrictive district shall apply.

(2) Construction activities. Except as otherwise provided in this chapter, no person shall engage in, cause or permit any person to be engaged in construction activities in any residential or commercial district between the hours of 9:00 P.M. of one day and 6:00 A.M. of the following day. Construction projects shall be subject to the maximum permissible noise level specified for industrial districts for the periods within which construction is to be completed pursuant to any applicable building permit. Construction activities directly connected with the abatement of an emergency are excluded from the provisions of this section.

(3) Enclosed places of public entertainment. The operating, or permitting to be operated, of any sound amplifying equipment or other noise source in any enclosed place of public entertainment shall be subject to the following provisions. When individuals are subjected to sound levels and exposure durations exceeding those shown in Table B, when measured on a sound level meter

of standard design and operated on the "A" weighting network, feasible administrative or engineering controls shall be utilized to protect against the effects of such noise exposure.

TABLE B

Duration per day, hours	Sound level dBA slow response
8	90
6	92
4	95
3	97
2	100
1-1/2	102
1	105
1/2	110
1/4 or less	115

(4) Vehicle repairs or testing. The repairing, building, rebuilding, or testing of any truck, automobile, motorcycle or other motor vehicle within the city shall be subject to the maximum permissible sound pressure level for the district in which the source is located.

(5) Machinery, equipment, fans and air-conditioners. Operating any machinery, equipment, pump, fan, air-conditioning apparatus or similar mechanical device within the city shall be subject to the maximum permissible sound pressure level for the district in which the source is located.

(6) Domestic power equipment. No person shall operate or permit to be operated on private property or on the public way within any residential or commercial district(s) any power equipment rated five (5) horsepower or less and used for home or building repair or grounds maintenance between the hours of 10:00 P.M. of one day and 7:00 A.M. of the next day or operate or permit to be operated between the hours of 7:00 A.M. and 10:00 P.M. any such power equipment which emits a noise sound pressure level in excess of eighty (80) decibels in the "A" weighting network dB(A). Such power equipment shall include, but not be limited to, lawn mowers, garden tools, snow removal equipment, electric or chain saws or any other power equipment used for home or building repair or grounds maintenance. Noise sound pressure levels shall be measured at a distance of twenty-five feet from the noise source.

(7) Commercial power equipment. No person shall operate on any property within a residential or commercial district(s) or on any public way within a residential or commercial district(s), any power equipment rated more than five (5) horsepower, excluding construction equipment used for construction activities, such as but not limited to, chain saws, pavement breakers, log chippers, riding tractors, powered hand tools, between the hours of 10:00 P.M. of one day and 7:00 A.M. of the next day or within residential, commercial or industrial noise districts between the hours of 7:00 A.M. and 10:00 P.M. which emits a noise level in excess of eighty-eight (88) decibels, in the "A" weighting network dB(A). Noise sound pressure levels shall be measured at a distance of twenty-five (25) feet from the noise source. (1979 Code, § 10-305)

## NORRIS

**11-201. Unlawful sound or noise.** (1) Sounds prohibited. It shall be unlawful for any person to make, continue, or cause to be made or continued any excessive, unnecessary, repetitive or unusually loud noise, which either annoys, disturbs, injures or endangers the peace, health or safety of another person within the limits of the City of Norris. Examples of specific offenses include the following; however, this section is not exclusive:

- (a) Horns, etc. Use of horns or other signal devices on vehicles other than momentarily as a danger warning.
- (b) Engines. Racing vehicular engines.

- (c) Wheel spinning. Intentional spinning vehicular wheels to cause tire squealing.
  - (d) Mufflers. Operating vehicular stationary or other nonvehicular engines without mufflers adequately controlling exhaust noises.
  - (e) Radios, etc. Operating electronic or mechanical instruments such as music players louder than is necessary for convenient hearing within a dwelling or hall.
  - (f) Loud speakers, etc. Operating electronic or mechanical instruments such as loud speakers or drums out-of-doors or on the public streets for advertising.
  - (g) Yelling, shouting, hooting, etc. Yelling, shouting, hooting, whistling or singing at a continuing and loud manner, between the hours of 11:00 P.M. and 7:00 A.M.
  - (h) Pets. Permitting noise by animals which repeatedly disturbs the comfort or repose of any person in the vicinity.
  - (i) Noise producing construction operations. The noisy erection (including excavation), demolition, alteration, or repair of any building or property, in the construction or repair of streets and highways within the city limits during the hours of darkness on week days and Saturdays. An exception can be made in the case of urgent necessity in the interest of public health and safety, and when only with a permit from the building inspector granted or a period while the emergency continues not to exceed thirty (30) days. (For the purposes of this section the hours of darkness is defined as the period of time between thirty minutes after official sunset time and thirty minutes before official sunrise time). If the building inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration, or repair of any building or the excavation of streets and highways during the preceding restricted hours, and if he shall further determine that loss or inconvenience would result to any party in interest through delay, he may grant permission for such work to be done during the restricted hours upon application being made at the time the permit for the work is awarded or during the process of the work.
- (2) Exceptions. None of the terms or prohibitions hereof shall apply to or be enforced against:
- (a) City vehicles. Any vehicle of the city while engaged upon necessary public business.
  - (b) Repair of streets, utilities, etc. Excavations or repairs of water and sewer lines, bridges, streets, or highways at night, by or on behalf of the city, the county, or the state, when the public welfare and convenience renders in impracticable to perform such work during the day.
  - (c) Property owners making repairs and/or alteration on their own property.
- (3) Sound level from property. It shall be unlawful to project a sound or noise which exceeds the sound level set out in Table I below from one property into another within the boundary of any zoning district excluding noise emanating from cars, trucks, or motorcycles.

TABLE I - LIMITING NOISE LEVELS FOR ZONING DISTRICTS

SOUND LEVEL IN DECIBELS	ZONE	WHERE MEASURED
50	All residential Districts, (R-1, R-2, FAR)	Common lot line
55	Professional, Civic District (P-1)	Common lot line
60	Commercial Districts (C-1, C-2)	Common lot line
65	Industrial Districts	Common lot line

(4) Sound level from vehicles. It shall be unlawful to operate a motorized vehicle within the city limits which creates a noise or sound which exceeds the sound level limits set out in Table II below:

SOUND LEVEL IN DECIBELS MEASURED	TYPE OF VEHICLE	WHERE
87	Buses and trucks over 10,000#	At 50'
93	Buses and trucks over 10,000#	At 25'
80	Buses and trucks under 10,000#	At 50'
86	Buses and trucks under 10,000#	At 25'
78	Passenger cars	At 50'
84	Passenger cars	At 25'
87	Motorcycles (includes other vehicles)	At 50'
93	Motorcycles (includes other vehicles)	At 25'

(5) Sound level measurement. The sound level shall be measured with a type of audio output meter approved by the Bureau of Standards. The measurements shall be made at the location or distance specified in Tables I and II, where such noise is generated, or perceived, as appropriate, five (5) feet above the ground. The output meter during the measurement shall be positioned so as not to create any unnatural enhancement or diminution of the noise source. A wind screen for the output meter shall be used when required. (1972 Code, § 10-211)

## ROGERSVILLE

**15-805. Vehicle noises specifically prohibited.** (1) No person shall operate or permit to be operated a motor vehicle without a muffling device at least as effective as that installed as original equipment by the manufacturer.

(2) No person shall operate or permit to be operated a vehicle at any time under any condition of roadway grade, load, acceleration, or deceleration in such a manner as to generate a sound level in excess of the following limits, when measured at a distance of at least twenty-five (25) feet from a noise source located within the applicable street, highway, or parking area:

(a) For any motor vehicle with a GVWR or GCWR of 10,000 pounds or more to be subject to the standards authorized by 42 USC § 4917 and specified in 40 CFR 202.10, et seq., the limits specified in that regulation, as the same may be amended from time to time by the Federal Highway Administration.

(b) For any motorcycle as hereinabove defined, 85dbA.

(c) For any other motor vehicle not included in subsection (a) above, 80dbA.

(3) The sounding of any horn or signaling device, except as a danger warning, is prohibited. (1986 Code, § 9-705)

## SEVIERVILLE

**11-302. Restrictions.** (1) The making, creation or permitting of any unreasonably loud, disturbing or unnecessary noise in the city is prohibited.

(2) The making, creating or permitting of any noise of such character, intensity or duration as to be detrimental to the life, health or welfare of any individual or which either steadily or intermittently annoys, disturbs, injures or endangers the comfort, repose, peace or safety of any individual is prohibited.

- (3) The following standards shall apply:
- (a) Residential zones. No person shall cause, suffer, allow or permit sound from any source which when measured at the point of annoyance, is in excess of:
    - (i) 7:00 A.M. to 10:00 P.M.:
      - (A) Continuous airborne sound which has a sound level of 55 dbA's.
      - (B) Impulsive sound in air with an impulsive sound level of 80 dbA's.
    - (ii) 10:00 P.M. to 7:00 A.M.:
      - (A) Continuous airborne sound which has a sound level of 50 dbA's.
      - (B) Impulsive sound in air with an impulsive sound level of 80 dbA's.
  - (b) Industrial and commercial zones. No person shall cause, suffer, allow or permit sound from any source which when measured at the point of annoyance, is in excess of:
    - (i) 7:00 A.M. to 10:00 P.M.:
      - (A) Continuous airborne sound which has a sound level of 65 dbA's.
      - (B) Impulsive sound in air with an impulsive sound level of 80 dbA's.
    - (ii) 10:00 P.M. to 7:00 A.M.:
      - (A) Continuous airborne sound which has a sound level of 55 dbA's.
      - (B) Impulsive sound in air with an impulsive sound level of 80 dbA's. (Ord. #640, Mar. 1991)

**11-303. Declared unnecessary noises enumerated.** The following acts, among others, are declared to be loud or disturbing or unnecessary noises in violation of this chapter even if the noises referred to do not violate the standard noise level for the city.

- (1) Horns, signal devices and the like.
  - (a) The sounding of any horn or signal device of any automobile, motorcycle, bus or other vehicle:
    - (i) While not in motion, except as a danger signal that another vehicle is approaching apparently dangerously; or
    - (ii) If in motion:
      - (A) after or as brakes are being applied and deceleration of the vehicle is intended;
      - (B) before passing another vehicle as a signal of intent to so pass;
      - (C) where state motor vehicle statutes require the sounding of such a horn or signaling device; or,
      - (D) when otherwise necessary as a danger signal.
  - (b) Wherever the sounding of any horn or signal device is permitted or required such sound shall not be unreasonably loud or harsh and shall not be for an unreasonable duration of time.
- (2) Animals and birds. The keeping of any animal or bird which, by causing frequent or long-continued noise, disturbs the comfort and repose of any person in their vicinity.
- (3) Defect in vehicle or noisy load. The use of any automobile, motorcycle or other vehicle so out of repair or loaded in such a manner as to create loud or unnecessary grating, grinding, rattling or other noise.
- (4) Steam whistles. The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of danger.
- (5) Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motorcycle engine except through a muffler or other device which meets the standards established for such devices by applicable state laws and regulations.
- (6) Mechanical devices. The use of mechanical devices operated by compressed air unless the noise created thereby is effectively muffled and reduced.

(7) Schools, courts, churches, and hospitals. The creation of any loud or excessive noise on any street adjacent to any school or institution of learning or judicial court while the same are in session or on any street adjacent to any hospital, which noise unreasonably interferes with the workings of such institutions; this restriction shall be in force only if signs are displayed in such streets indicating the same is a school, hospital, or court street or quiet zone.

(8) Loading or unloading of vehicles; opening or destruction of boxes. The creation of a loud or excessive noise in connection with loading or unloading any vehicle or the opening or destruction of bales, boxes, crates, and containers.

(9) Devices attached to buildings. The sounding of any bell, gong or device attached to any building or premises, particularly during the hours between 11:00 P.M. and 7:00 A.M., which disturbs the quiet or repose of any persons in the vicinity of the devices. This rule shall not apply if the bell, gong or device is sounded as a warning of danger.

(10) Trains, vehicles and buses. The unnecessary or prolonged blowing or sounding of any horn, whistle, bell or other device attached to any train, locomotive, motor vehicle, bus or truck while passing through the city or while loading passengers or freight within the city.

(11) Loudspeakers and amplifiers on vehicles. The use of mechanical loudspeakers or amplifiers on trucks or other vehicles for advertising or other commercial purposes, except where a specific license or permit is received from the police department.

(12) Construction or repair of buildings. Construction, demolition, repair, paving or alteration of buildings or streets or excavation when conducted between the hours of 7:00 P.M. and 7:00 A.M. (9:00 A.M. on Sundays), except in emergencies. (Ord. #640, Mar. 1991)

**11-304. Nonvehicular noises restricted.** No person shall use or operate any facility, machine or instrument or produce or cause to be produced any sound in the city, when the same shall produce noise, the sound-pressure level of which measured at the point of annoyance complained of shall exceed the standard noise level of the city established for that location and time of day. In measuring noises to determine if the standard noise level of the city has been exceeded, the measurement shall be measured on the A-weighting of an accurate sound-level meter. The background sound level is defined as the sound present when the offending noise source is silenced. (Ord. #640, Mar. 1991)

**11-305. Vehicular noise regulations.** (1) No person shall operate, within the limits of the city, any vehicle which will emit noise which will exceed the standard noise level of the city established for the size vehicle when used under ordinary circumstances. For noncommercial vehicles, the standard noise level of the city is hereby established as follows:

Type of vehicle	Maximum noise level (dbA's)
Vehicle other than motorcycles	76
Motorcycles	82

(2) Measurements shall be taken fifty feet from the source. (Ord. #640, Mar. 1991)

**11-306. Exemptions.** Exemptions from noise level limits shall be as follows:

(1) Emergency construction, repair, pavings demolition, or alteration of a street or building. Permission of the city administrator shall be proof that such emergency exists.

(2) Emergency activities of municipal, county, state, or federal government agencies and emergency activities of public utilities when they are seeking to provide electricity, water or other public utility services and the public health, safety or welfare are involved.

(3) Warning devices on authorized emergency vehicles and on vehicles used for traffic safety purposes.

(4) Attendant on-site noise connected with the actual performance of sporting events, parades, auctions, fairs and festivals.

(5) Power lawn mowers, when operated between the hours of 8:00 A.M. (9:00 A.M. on Sundays) and 10:00 P.M.

(6) Air conditioners that increase the background or ambient noise level no more than five dbA's. (Ord. #640, Mar. 1991)

## **RED BANK**

### **9-819. Signs distracting to motor vehicle operators prohibited.**

Where there are entrance and exit ramps to any controlled access facility, or a confluence of traffic, or anywhere else where operators of vehicles might be required to make sudden decisions in order to safely operate their vehicles, then no signs shall be permitted or allowed that will be or are or may reasonably be distracting to drivers and thereby hazardous and dangerous to the traveling public. Additionally, and regardless of location, no off-premise or on-premise sign shall have moving parts, picture tubes, lights or illumination that vary in intensity, flash or change color, except

(1) That tri-vision off-premise signs with moving parts shall be permitted,

(2) On-premise message centers shall be allowed provided a special permit has been obtained pursuant to the provisions of this chapter, and

(3) On-premise signs displaying current time and/or temperature only through the use of lights that vary in illumination or intensity shall be allowed, provided that each display shall remain constant for a minimum of not less than four (4) seconds.

No signs that resemble any regulatory or warning traffic control device or sign as found in the latest edition of the Manual of Uniform Traffic Control Devices for Streets and Highways as now existing or hereafter amended shall be permitted. No sign shall emit any sound or sounds, audible to the human ear without amplification or exceeding ten (10) decibels. (1975 Code, § 5-820, as replaced by Ord. #03-875, June 2003)

## **BELLE MEADE**

### **11-408. Anti-noise regulations. (1) Definitions.**

(a) "Noise level" shall mean the "A" weighted sound pressure level in decibels obtained by using a sound level meter at slow response with a reference pressure of twenty microwatts per square meter. The unit of measurement shall be designated as dB(A).

(b) "Person" shall mean a person, firm, association, co-partnership, joint venture, corporation or any entity, public or private in nature.

(c) "Sound level meter" shall mean an instrument meeting American National Standard Institute's Standard S1.4-1971 for Type 1 or Type 2 sound level meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.

(2) Noise of such character, intensity, and/or duration as to be unreasonably loud and disturbing or in disturbance of the public peace and welfare, wherever and by whomever committed, is hereby prohibited and declared to be a nuisance.

(3) It is also specifically prohibited and hereby declared to be a nuisance for any person at any location within the City of Belle Meade to create such noise as above described, on property owned, leased, occupied, or otherwise controlled by such person. Where the resulting noise level, when measured on any other property within the city, exceeds the noise standards listed below, this in and of itself shall constitute violation of this subsection. Sound level meter evidence, however, is not required in order to show violation, which may also be established by other evidence.

## NOISE STANDARDS

<u>Noise Level</u>	<u>Time Period</u>
55dB(A)	07:00 A.M. - 10:00 P.M.
50dB(A)	10:00 P.M. - 07:00 A.M.

- (4) Exemptions. The following activities shall be exempted from the provisions of this section:
- (a)(i) Municipal vehicles. Any vehicle of the City of Belle Meade while engaged upon necessary public business.
  - (ii) Repair of streets, etc. Excavations or repairs of bridges, streets, or highways, by or on behalf of the City of Belle Meade, the county, or the state. Such work may be performed between the hours of 7:00 P.M. and 7:00 A.M. only when the public welfare and convenience renders it impossible to perform such work during the day.
  - (b) Activities conducted on any park or playground, provided such park or playground is owned and operated by a public entity.
  - (c) Any mechanical device, apparatus or equipment used, related to or connected with emergency machinery, vehicle or work.
  - (d) Noise sources associated with construction, repair, remodeling, or grading of any real property, provided said activities do not take place between the hours of 7:00 P.M. and 7:00 A.M. on weekdays, including Saturday, or at any time on Sunday or a federal holiday.
  - (e) Noise sources associated with the maintenance of real property, provided said activities take place between 7:00 A.M. and 7:00 P.M. on any day. (Ord. 71-6, § 2.31. 1987 Code, § 10-231, as amended by Ord. #93-11, § 1, Dec. 1993)

## JOHNSON CITY

### **11-503. Maximum permitted sound levels in residential zones.**

- (1) Except as allowed in § 11-504 below, no person, regardless of location, shall operate or cause to be operated any source of sound in such a manner as to create a sound level which, at its peak, exceeds the limits set forth in this section when measured at a height of five (5) feet above the ground at or beyond the property line of a residence. Physical features which are commonly associated with property boundaries such as back of curb, edge of driveway or parking lot, hedges, perimeter landscape strips or buffers or fences are presumed to be at a point which is at or beyond the property line.
- (2) Sound which originates from a dwelling unit in a duplex or other multi-family housing unit may be measured within an adjacent intrabuilding dwelling or from any point at least twenty-five (25) feet from the unit from which the noise originates.
- (3) The following standards shall govern the allowable noise levels in any residential zoning district. Unless exempt per § 11-506 or allowed by special permit as defined in § 11-507, no noise shall exceed the limits specified below:
  - (a) Nighttime - 55 dBA between 11:00 PM and 7:00 AM.
  - (b) Daytime - 75 dBA between 7:00 AM and 11:00 PM. (Ord. #3251, Oct. 1994, as amended by Ord. #3600, July 1998)

### **11-504. Maximum permitted sound levels for motor vehicles.**

- (1) It shall be unlawful for any person to operate or cause to be operated a public or private motor vehicle, motorcycle or combination of vehicles at any time in such a manner that the sound level of the vehicle exceeds the levels set forth in Table 1 below:

TABLE 1  
 MAXIMUM MOTOR VEHICLE SOUND LEVEL (dBA)

Vehicle class	Speed limit 35 mph or less	Speed limit over 35 mph
Any motor vehicle with a gross vehicle weight rating (GVWR) of less than 10,000 pounds	81	85
Any motor vehicle with a GVWR of more than 10,000 pounds	89	94
Motorcycles 81 85 Any other motor vehicle or any combination of vehicles towed by any motor vehicle	76	80

(2) Sound levels are to be measured at a distance of at least fifty (50) feet from the noise source and at a height of at least four (4) feet above the surrounding surface. (Ord. #3251, Oct. 1994)

**11-505. Nuisance noises expressly prohibited.** To the extent that they exceed the sound levels set forth in § 11-503 or § 11-504, the following specific acts are declared to be in violation of this chapter:

- (1) Animals. The keeping of any animal, bird or fowl which makes frequent or long, continued noise;
- (2) Noise sensitive zone. The creation of any excessive noise heard within any school, public building, church or any hospital, or the grounds thereof, while in use, which interferes with the workings of such institution;
- (3) Loudspeakers, etc. The use of any loudspeaker, drum, or other device for the purpose of attracting attention to any performance or sale or display of merchandise. (Ord. #3251, Oct. 1994)

**11-506. Exceptions.** The following are exempt from the sound level limits specified in § 11-503 and § 11-504 of this code:

- (1) Any vehicle or employee of the city, while engaged upon public business;
- (2) Construction operations between the hours of 7:00 AM and 9:00 PM for which building permits have been issued or construction operations for which no permit is required, provided that all construction equipment is operated according to manufacturer's specifications and mufflers are maintained in proper working order;
- (3) Excavations or repairs of bridges, streets, highways, sidewalks, utilities, or other public works by or on behalf of the city, county, state, or utility company, during the night, when the public welfare and convenience renders it impossible to perform such work during the day;
- (4) Domestic power tools, lawn mowers, and agricultural equipment, between the hours of 7:00 AM and 9:00 PM provided it is properly operated with all manufacturer's standard noise-reducing equipment in place and in proper operating condition;
- (5) Safety signals and alarm devices and the authorized testing of such equipment;
- (6) Noises from nonamplified church bells and chimes;
- (7) Noises resulting from a parade, scheduled outdoor athletic event, fireworks display, or any event which has been sanctioned by the city.

- (8) Noises resulting from a street fair or block party between the hours of 7:00 A.M. and 11:00 P.M.
- (9) Noise(s) from trains and other associated railroad rolling stock when operated in proper repair and manner;
- (10) Religious or political gatherings and other activities protected by the First Amendment to the United States Constitution. (Ord. #3251, Oct. 1994)

## **COOKEVILLE**

**11-202. Anti-noise regulations.** (1) Preamble. The Council of the City of Cookeville finds that excessive noise is detrimental to the physical, mental, and social well being of the citizens of the City of Cookeville as well as to their comfort, living conditions, general welfare and safety and hereby declares it necessary to provide for more effective regulation of excessive noise. It is the intent of this chapter to establish standards that will eliminate or reduce unnecessary and excessive noise which is physically harmful and otherwise detrimental to individuals and the community in the enjoyment of life, property and conduct of business.

(2) Definitions. As used in this chapter, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended.

(a) "A-weighted sound pressure level" means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network, as defined in American National Standard S1.4-1983 (R 1997). The level so read is designated dB(A).

(b) "Ambient noise" means the all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources near and far.

(c) "City" means City of Cookeville.

(d) "Commercial use" means activity within or upon a premise where offices, clinics, kennels, shopping and service establishments exist and none of the gross floor area meets the definition of residential use, as set forth below.

(e) "DB(A)" means a unit for measuring the volume of a sound, equal to twenty times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is twenty micropascals (twenty micronewtons per square meter).

(f) "Impulsive sound" means sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts, and the discharge of firearms.

(g) "Industrial use" means any activity within or upon a premise where manufacturing, processing or fabrication of goods or produces takes place.

(h) "Motor vehicle" means any motor required to be registered by the Department of Safety for the State of Tennessee, pursuant to Title 55 of the Tennessee Code.

(i) "Person" means any individual, association, partnership, or corporation, and includes any officer or employee thereof.

(j) "Public premise" means all real property, including appurtenances thereon, which is owned or controlled by any public governmental entity and shall include streets, alleys, parks and navigable waterways, but shall not include real property leased to any non-governmental entity for residential, commercial or industrial use, as defined herein.

(k) "Real property boundary" means a line along the ground surface, and its vertical extension, which separates the real property owned by one person or entity from that owned by another person or entity, but not including intrabuilding real property divisions.

(l) "Residential use" means any premises lawfully used for human habitation under the ordinances of the City of Cookeville and the laws of the State of Tennessee and shall include schools, churches, hospitals, nursing homes, and similar institutional facilities.

For purposes of this section only, premises adjoining, adjacent to or opposite hospitals or nursing homes shall also be deemed residential use.

(m) "Sound pressure" means the average rate at which sound energy is transmitted through a unit area in a specified direction.

(n) "Sound pressure level meter" means an instrument used for measurement of the intensity of sound and accurately calibrated in decibels. Readings shall be made on a dB(A) scale.

(3) Standards.

(a) No person shall cause, suffer, allow or permit sound from any source which, when measured from the real property boundary of the source of the sound, is in excess of the following standards:

(i) Residential use. (A) When the offending sound emanates from a residential use between the hours of 7:00 A.M. and 12:00 midnight, sound which has an A-weighted sound pressure level of 65 dB(A), or impulsive sound which has an A-weighted sound pressure level of 80 dB(A).

(B) When the offending sound emanates from a residential use between the hours of 12:00 midnight and 7:00 A.M., sound which as an A-weighted sound pressure level of 60 dB(A), or impulsive sound which has an A-weighted sound pressure level of 80 dB(A).

(ii) Commercial use.

(A) When the offending sound emanates from a commercial use between the hours of 7:00 A.M. and 12:00 midnight, sound which has an A-weighted sound pressure level of 80dB(A), or impulsive sound which as an A-weighted sound pressure level of 80 dB(A).

(B) When the offending sound emanates from a commercial use between the hours of 12:00 midnight and 7:00 A.M., sound which as an A-weighted sound pressure level of 75 dB(A), or impulsive sound which has an A-weighted sound pressure level of 80 dB(A).

(iii) Industrial use. When the offending sound emanates from an industrial use, continuous or impulsive sound which has an A-weighted sound pressure level of 80 dB(A).

(b) No person shall cause, suffer, allow or permit from any source within a public premise any airborne sound which, when measured from the source of the sound, has an A-weighted sound pressure level in excess of 65 dB(A), or any impulsive sound which has an A-weighted sound pressure level of 80 dB(A). This subsection shall not apply to legitimate government operations.

(c) Sound, whether continuous or impulsive, shall be measured at approximately five feet above grade, using a slow meter response setting and using a windscreen when appropriate.

(4) Loud, unusual or unnecessary noises prohibited; criteria; other prohibited noises.

(a) Consistent with other provisions of this section, and in addition thereto, it shall be unlawful for any person within the limits of the city to make, produce, cause, suffer, continue or allow to be produced or continued by human voice, machine, animal, or device, or any combination of same, any unreasonably loud, unusual or unnecessary noise which disturbs the peace and quiet of any neighborhood, or which causes discomfort or annoyance to any reasonable person of normal sensitivity residing in the area, or which otherwise injures or endangers the comfort, repose, health, peace, safety or welfare of others.

(b) The standards which shall be considered in determining whether a violation of this section exists shall include, but shall not be limited to the following:

(i) The frequency of the noise;

- (ii) The intensity of the noise;
- (iii) Whether the nature of the noise is usual or unusual;
- (iv) Whether the origin of the noise is natural or unnatural;
- (v) The frequency and intensity of the ambient noise, if any;
- (vi) The proximity of the noise to residential sleeping facilities;
- (vii) The nature and land use of the area within which the noise emanates;
- (viii) The population density of the inhabitation of the area within which the noise emanates;
- (ix) The time of the day the noise occurs;
- (x) The duration of the noise; and
- (xi) Whether the noise is recurrent, intermittent, or constant.

(c) The following acts, among others, are declared to be unreasonably loud, unusual or unnecessary noises in violation of this chapter, even if the noises referred to do not violate the noise level standards set forth in this section.

- (i) Horns and signaling devices on vehicles. The sounding of any horn or signaling device on any automobile, motorcycle, bus or other vehicles while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.
- (ii) Steam whistles. The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work, or as a warning of fire or danger, or upon request of proper city authorities.
- (iii) Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle, or motorboat engine except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (iv) Drums and other attention-attracting devices. The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale.
- (v) Animals and birds. The keeping of any animal or bird which, by frequent barking, howling, crying, singing or causing any other frequent or long-continued noise, disturbs the comfort and repose of any person in the vicinity.
- (vi) Sound trucks. The use or operation on or upon the public streets in the city or on driveways or throughways owned by or leased to the City of Cookeville of any device known as a sound truck, or any loudspeaker, sound amplifier or other instrument of any kind or character which emits therefrom loud raucous noises and is attached to and upon any vehicle operated or standing upon the city streets or on driveways or throughways owned by or leased to the City of Cookeville.
- (vii) Defect in vehicle or noisy load. The use of any automobile, motorcycle, or other vehicle so out of repair or loaded in such a manner as to create loud or unnecessary grating, grinding, rattling or other noise.
- (viii) Pneumatic devices. The use of any mechanical devices operated by compressed air unless the noise created thereby is effectively muffled and reduced.
- (ix) Fireworks. The use of any combustible novelty or recreational items generating a whistle or loud report.

(5) Noise from motor vehicle audio equipment. Consistent with other provisions of this section, and in addition thereto, no person shall use or operate any radio, tape player, record player,

compact disc player or any similar device in or on a motor vehicle located on the public streets of the City of Cookeville, property owned by or leased to the City of Cookeville, or within a public park, within a public parking lot or on any other public premise within the city, which is audible to a person of normal hearing sensitivity more than fifty feet from such vehicle, nor shall any person use or operate any radio, tape player, record player, compact disc player or any similar device in or on a motor vehicle located on private property which is audible to a person of normal hearing sensitivity more than fifty feet outside the real property boundary of said property. Words and phrases need not be discernible for said sound to be audible, and said sound shall include bass reverberation.

(6) Continuing violations. Each violation of this section shall be considered a separate offense, and any violation continuing more than one half (1/2) hour or recurring within one half (1/2) hour shall be considered a separate offense for each half hour of violation.

(7) No warning required. Nothing contained in this section shall be construed as requiring any warning to any person before the enforcement of the provisions of this section.

(8) Exceptions. None of the terms or prohibitions contained in this section shall apply to or be enforced against:

(a) Any vehicle of the city or a public utility while engaged in necessary public business.

(b) Excavations or repairs of bridges, streets or highways by or on behalf of the city, the county or the state during the night, when the public welfare and convenience renders it impossible to perform such work during the day

(c) Emergency activities of the city, the county, or the state and emergency activities of public utilities when they are seeking to provide electricity, water or other public utility services and the public health, safety or welfare is involved.

(d) Any special event authorized by the city pursuant to the law, rules and regulations of the city.

(e) Excavation, construction, demolition, repair, paving or alteration of buildings or streets. This exception shall not apply to such excavation, construction, demolition, repair, paving or alteration of buildings or streets in a residential use between the hours of 6:00 P.M. and 7:00 A.M. except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building inspector. If the building inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways between the hours of 6:00 P.M. and 7:00 A.M., and if he shall further determine that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done between the hours of 6:00 P.M. and 7:00 A.M. upon application being made at the time the permit for the work is awarded or during the progress of the work.

(f) Use of domestic power equipment (including but not limited to power lawn mowers, leaf blowers, trimmers, snowblowers, tillers, saws, sanders, drills, or similar devices) between 8:00 A.M. and 9:00 P.M.

(g) Attendant on-site noise connected with the actual performance of organized sporting events on school campuses and in publicly owned parks or facilities.

(h) Warning devices on authorized emergency vehicles and on motor vehicles used for traffic safety purposes.

(i) Amplified and unamplified bells and chimes on schools, public buildings and other places of assembly.

(j) Use of motor vehicles for the collection and/or compacting of refuse, except that such vehicles shall not operate between 10:00 P.M. and 7:00 A.M. in a residential use.

(k) Cleaning and maintenance of parking lots and access roadways held open to the public, but only when such activities are not feasible between 7:00 A.M. and 10:00 P.M.

- (l) Any aircraft in flight subject to federal law regarding noise control and any helicopter in the act of landing or taking off, if such landing or taking off is approved.
- (m) Air conditioning and refrigeration units appurtenant to a permanent structure, so long as the unit or any of its component parts is not so out of repair as to create loud or unnecessary grating, grinding, rattling or other noise.
- (n) Human sounds emanating from children twelve (12) years of age or under, including but not limited to speech and utterances of laughter, cries, and sounds associated with play.
- (o) Security alarms on structures or motor vehicles, except that such alarms must terminate operation within five (5) minutes after activation for continuous airborne sound and within fifteen (15) minutes for impulsive sound unless otherwise provided in this code.

(9) Special noise permits.

- (a) The City of Cookeville shall, upon proper application, grant special permits for limited exceptions from the provisions of this section.
- (b) Special noise permits shall be issued only for events occurring on Friday, Saturday, or a federally recognized holiday, and shall be effective only between the hours of 7:00 A.M. and 10:00 P.M. Special noise permits shall be limited to a single day, and no more than two permits shall be issued to any premises in any twelve (12) month period, regardless of any change in ownership of the premises.
- (c) Any person seeking a special noise permit pursuant to this section shall file an application with the city clerk. The application shall contain specific information regarding the nature of the event for which the permit is sought, including the anticipated duration of the event, the address of the premises for which the permit is sought, the name (and address, if different from the premises for which the permit is sought) of the person seeking the permit, an acknowledgement of responsibility of the applicant for any violations of this section resulting from noncompliance with the terms of the permit, and the signature of the applicant. Said application shall be filed no less than three (3) business days prior to the effective date of the permit. No permit shall be issued by the city clerk unless the application has been approved in writing by the Cookeville Police Department.
- (d) Upon receipt of a properly executed and signed application, the City of Cookeville shall issue a special noise permit to the applicant, which permit shall exempt the premises specified in the permit from the provisions of this section for the date specified in the permit, except that sound emitted from the premises shall in no way exceed the standards set forth in this section by more than 10 dB(A).
- (e) Non-compliance with any conditions of the permit or any of the provisions of this section shall invalidate the permit and subject the applicant and any other person on the premises to all provisions of this section.
- (f) The permit shall be displayed prominently on the premises covered by the permit.  
(Ord. #099-02-03, March 1999, as amended by Ord. #001-11-16, Feb. 2002)

## **CROSSVILLE**

**11-402. Anti-noise regulations.** Subject to the provisions of this section, the creating of any unreasonably loud, disturbing, and unnecessary noise is prohibited. Noise exceeding eighty-seven (87) decibels and of such character, intensity, or duration as to be detrimental to the life or health of any individual, or in disturbance of the public peace and welfare, is prohibited.

(1) Miscellaneous prohibited noises enumerated. The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this section, but this enumeration shall not be deemed to be exclusive, namely:

- (a) Blowing horns. The sounding of any horn or other device on any automobile, motorcycle, bus, truck, or vehicle while not in motion except as a danger signal if another vehicle is approaching, apparently out of control, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.
- (b) Radios, phonographs, etc. The playing of any radio, phonograph, or any musical instrument or sound device, including but not limited to loudspeakers or other devices for reproduction or amplification of sound, either independently of or in connection with motion pictures, radio, or television, in such a manner or with such volume, particularly during the hours between 11:00 P.M. and 7:00 A.M., as to annoy or disturb the quiet, comfort, or repose of any person in any office or hospital, or in any dwelling, hotel, or other type of residence, or of any person in the vicinity.
- (c) Yelling, shouting, etc. Yelling, shouting, whistling, or singing on the public streets, particularly between the hours of 11:00 P.M. and 7:00 A.M., or at any time or place so as to annoy or disturb the quiet, comfort, or repose of any person in any hospital, dwelling, hotel, or other type of residence, or of any person in the vicinity.
- (d) Pets. The keeping of any animal, bird, or fowl which by causing frequent or long continued noise shall disturb the comfort or repose of any person in the vicinity.
- (e) Use of vehicle. The use of any automobile, motorcycle, truck, or vehicle so out of repair, so loaded, or in such manner as to cause loud and unnecessary grating, grinding, rattling, or other noise.
- (f) Blowing whistles. The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper city authorities.
- (g) Exhaust discharge. To discharge into the open air the exhaust of any steam engine, stationary internal combustion engine, motor vehicle, or boat engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (h) Building operations. The erection (including excavation), demolition, alteration, or repair of any building in any residential area or section or the construction or repair of streets and highways in any residential area or section, other than between the hour of 7:00 A.M. and 6:00 P.M. on week days, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building inspector granted for a period while the emergency continues not to exceed thirty (30) days. If the building inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration, or repair of any building or the excavation of streets and highways between the hours of 6:00 P.M. and 7:00 A.M., and if he shall further determine that loss or inconvenience would result to any party in interest through delay, he may grant permission for such work to be done between the hours of 6:00 P.M. and 7:00 A.M. upon application being made at the time the permit for the work is awarded or during the process of the work.
- (i) Noises near schools, hospitals, churches, etc. The creation of any excessive noise on any street adjacent to any hospital or adjacent to any school, institution of learning, church, or court while the same is in session.
- (j) Loading and unloading operations. The creation of any loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates, and other containers.
- (k) Noises to attract attention. The use of any drum, loudspeaker, or other instrument or device emitting noise for the purpose of attracting attention to any performance, show, or sale or display of merchandise.

- (l) Loudspeakers or amplifiers on vehicles. The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other purposes.
- (2) Exceptions. None of the terms or prohibitions hereof shall apply to or be enforced against:
  - (a) City vehicles. Any vehicle of the city while engaged upon necessary public business.
  - (b) Repair of streets, etc. Excavations or repairs of bridges, streets, or highways at night, by or on behalf of the city, the county, or the state, when the public welfare and convenience renders it impracticable to perform such work during the day.
  - (c) Noncommercial and nonprofit use of loudspeakers or amplifiers. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations. However, no such use shall be made until a permit therefor is secured from the city council. Hours for the use of an amplified or public address system will be designated in the permit so issued and the use of such systems shall be restricted to the hours so designated in the permit. (1989 Code, § 11-502, as amended by Ord. #1200, Nov. 2008)

**15-119. Causing unnecessary noise.** It shall be unlawful for any person to cause unnecessary noise by unnecessarily sounding the horn, "racing" the motor, or causing the "screeching" or "squealing" of the tires on any motor vehicle. (1989 Code, § 15-120)

**CUMBERLAND GAP**

**11-302. Anti-noise regulations.** Subject to the provisions of this section, the creating of any unreasonably loud, disturbing, and unnecessary noise is prohibited. Noise of such character, intensity, or duration as to be detrimental to the life or health of any individual, or in disturbance of the public peace and welfare, is prohibited under the following parameters. In residentially and commercially zoned areas, as defined under Title 14 of this code, excess of the following decibel limits is prohibited:

<u>Zoning</u>	<u>Time of Day</u>	
	7:00 AM – 9:59 PM	10:00 PM – 6:59 AM
Residential	45 db (A)	40 db (A)
Commercial	55 db (A)	45 db (A)

Decibel recordings are made with an American National Standards Institute Type II approved device at the approximate location of the property line or the boundary of the public way, at a height of at least four feet above the immediate surrounding surface.

(1) Miscellaneous prohibited noises enumerated. The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this section, but this enumeration shall not be deemed to be exclusive, namely:

- (a) Blowing horns. The sounding of any horn or signal device on any automobile, motorcycle, bus, truck, or vehicle while not in motion except as a danger signal if another vehicle is approaching, apparently out of control, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.
- (b) Radios, phonographs, etc. The playing of any radio, phonograph, or any musical instrument or sound device, including but not limited to loudspeakers or other devices for reproduction or amplification of sound, either independently of or in connection with motion pictures, radio, or television, in such a manner or with such volume, as to annoy

or disturb the quiet, comfort, or repose of persons in any office or hospital, or in any dwelling, hotel, or other type of residence, or of any person in the vicinity.

(c) Yelling, shouting, hooting, etc. Yelling, shouting, whistling, or singing on the public streets, or at any time or place so as to annoy or disturb the quiet, comfort, or repose of any person in any hospital, dwelling, hotel, or other type of residence, or of any person in the vicinity.

(d) Pets. The keeping of any animal, bird, or fowl which by causing frequent or long continued noise shall disturb the comfort or repose of any person in the vicinity.

(e) Use of vehicle. The use of any automobile, motorcycle, truck, or vehicle so out of repair, so loaded, or in such manner as to cause loud and unnecessary grating, grinding, rattling, or other noise.

(f) Blowing whistles. The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper municipal authorities.

(g) Exhaust discharge. To discharge into the open air the exhaust of any steam engine, stationary internal combustion engine, motor vehicle, or boat engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(h) Building operations. The erection (including excavation), demolition, alteration, or repair of any building in any residential area or section or the construction or repair of streets and highways, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building inspector granted for a period while the emergency continues not to exceed thirty days. If the building inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration, or repair of any building or the excavation of streets and highways between the hours of 10:00 PM – 6:59 AM, and if he shall further determine that loss or inconvenience would result to any party in interest through delay, he may grant permission for such work to be done between the hours of 10:00 PM and 6:59 AM upon application being made at the time the permit for the work is awarded or during the process of the work.

(i) Noises near schools, hospitals, churches, etc. The creation of any excessive noise on any street adjacent to any hospital or adjacent to any school, institution of learning, church, or court while the same is in session.

(j) Loading and unloading operations. The creation of any loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates, and other containers.

(k) Noises to attract attention. The use of any drum, loudspeaker, or other instrument or device emitting noise for the purpose of attracting attention to any performance, show, or sale or display of merchandise.

(l) Loudspeakers or amplifiers on vehicles. The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other purposes.

(2) Exceptions. None of the terms or prohibitions hereof shall apply to or be enforced against:

(a) Municipal vehicles. Any vehicle of the town while engaged upon necessary public business.

(b) Repair of streets, etc. Excavations or repairs of bridges, streets, or highways at night, by or on behalf of the town, the county, or the state, when the public welfare and convenience renders it impracticable to perform such work during the day.

(c) Noncommercial and nonprofit use of loudspeakers or amplifiers. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations.

However, no such use shall be made until a permit therefore is secured from the recorder and treasurer. Hours for the use of an amplifier or public address system will be designated in the permit so issued and the use of such systems shall be restricted to the hours so designated in the permit. (1979 Code, § 10-234, as replaced by Ord. #2-2008, May 2008, as replaced June 2008)

## **CLEVELAND**

**11-203. Excessive noise from motor vehicles.** (1) No person operating or occupying a motor vehicle on any public street, highway, alley, parking lot, or driveway within the corporate limits of the City of Cleveland, Tennessee, shall operate or permit the operation of any sound amplification system, including, but not limited to, any radio, tape player, compact disc player, loudspeaker, or any other electrical device used for the amplification of sound from within the motor vehicle so that the sound is plainly audible at a distance of fifty (50) or more feet from the vehicle. For the purpose of this section "plainly audible" means any sound which clearly can be heard, by unimpaired auditory senses based on a direct line of sight of fifty (50) or more feet, however, words or phrases need not be discernible and such sound shall include base reverberation.

(2) This section shall not be applicable to emergency or public safety vehicles, vehicles owned or operated by a municipal or county government or any utility company, for sound emitted unavoidably during a job-related operation, school or community sponsored activities, auctioneers or auctioning activities, boats or other water crafts operated on waters or any motor vehicle used in an authorized public activity for which a permit has been granted by the appropriate agency of a municipal or county government.

(3) A violation of this section will subject the offender to a fine in an amount not to exceed \$50.00. (as added by Ord. #2004-30, Aug. 2004)

## **SWEETWATER**

**14-313. M-1 Industrial zoning district.** The purpose of this zoning district is to allow for a wide variety of industrial land uses. Non-noxious industries, those which do not utilize caustic chemicals, store flammable chemicals, produce noxious odors, or utilize machinery or heating/air conditioning systems which generate noise levels in excess of 55 decibels outside the plant, or process good which would have an impact on noise or air quality are permitted uses. Plants which may require the handling of chemicals or storing of flammable products or other noxious factors noted above are permitted as a use on review by the board of zoning appeals if site design criteria indicates that they will not pose any health, environmental, or safety threat to surrounding properties.

(1) Uses permitted. All uses listed below are allowed:

(a) Agriculture implementation sales and service; filing stations; building materials and lumber yards; bottling and packaging plants; electrical appliance and equipment assembly; engraving and printing; optical goods manufacturing; public utilities; wholesaling and warehousing (except for the storage of chemicals or pharmaceuticals); engineering and contractors offices; building supply sales.

(b) Signs and billboards as regulated in § 14-409.

(2) Uses permitted on review. Site plans are required for all uses listed below. Any chemical usage or storage must be noted on the site plan. Any storage of gasoline or other flammables must be noted as to the proposed location of storage and types of containers. Any dyes or other manufacturing goods which are of a chemical compound mixture or solution must be noted on the site plan. Any decibel levels outside the plant must be noted, and any construction materials used to muffled loud equipment noises must be noted. Any dyes or similar by-products which

will be transmitted into the public sewer must be noted on the site plan. By-products from meat processing must be noted as to the manner in which odor will be contained. All federal standards regarding noise, air quality, chemical disposal, and public safety must be certified as being met. The board of zoning appeals can deny where the proposal negatively impacts the areas noted above or where the proposal has not submitted adequate information to assure compliance.

- (a) Sewing operations and piece goods; sporting goods manufacturing; paper products processing and fabrication.
- (b) Meat processing or packaging.
- (c) Concrete products manufacture.
- (d) Mining operations provided that they submit a mining reclamation plan for approval.
- (e) Asphalt manufacturing.
- (f) Foundries.
- (g) Pharmaceuticals production.
- (h) Brick, tile, or terra cotta manufacturers.
- (i) Buildings incidental to the above uses.

(3) Uses prohibited.

- (a) Nuclear waste processors.
- (b) Any firm utilizing nuclear materials.
- (c) Any use which the board of zoning appeals deems has not offered enough factual information regarding health, safety or environmental concerns or who has not proven its intent to deal effectively with health, environmental, or safety issues.

(4) Lot and area regulations. The front, rear, and side yard setbacks shall be twenty feet unless a loading dock is utilized in which case the setback on the loading dock side shall be thirty feet. On lots abutting a residential district, the setback on the abutting side shall be fifty feet. No new industrial district shall be located on less than two acres. Existing buildings may be rezoned for use provided that there is adequate parking and evergreen landscaping is utilized to buffer industrial operations on sites where buildings are located. Existing buildings located adjacent to residential buildings or districts must buffer a ten feet wide area with tall growing evergreens. Sound barriers may also be required.

- (a) Gasoline pumps and islands, and surfaces must be located twenty-five feet from any building and fifty feet from any residential district.
- (b) No yard setback shall be required for any lot abutting a railroad.
- (c) Landscaping is required in accordance with § 14-413.
- (d) No industrial use shall be allowed to have access through residential street.
- (e) The board of zoning appeals may permit uses similar to above listed uses with the appropriate site plans and safety, health and environmental notations being placed on the plan and assurances that environmental and safety issues will be met.
- (f) Warehouses used for the storage of household goods shall be allowed more than one structure per lot provided that all external setback requirements are met. (Ord. #585, July 1986, as amended by Ord. #592, Sept. 1986, modified)

## **LEBANON**

11-401. Commercial, industrial and business anti-noise regulations. Subject to the provisions of this section, the creating of any unreasonably loud, disturbing, unnecessary commercial, industrial or business noise which causes material distress or discomfort or injury to persons of ordinary sensibility in the immediate vicinity thereof is hereby declared to be unlawful under the provisions stated herein and is hereby prohibited.

(1) Determination of unreasonably loud noise. For the purpose of determining and classifying any commercial or industrial noise as unreasonably loud, the following procedures and test measurements, and requirements shall be applied:

(a) Noise occurring within the jurisdiction of the city shall be measured at a distance of at least twenty-five (25') feet from the noise source located within the public right-of-way, and if the noise source is located on private property or property other than the public right-of-way, the noise measurement shall be taken at least twenty-five (25') feet from the property line of the property on which the noise source is located.

(b) The noise shall be measured on the "A" weighing scale on a sound level meter of standard design and quality and properly calibrated.

(c) For purposes of this chapter any measurements made with a sound level meter shall be made when the wind velocity at the time and place of such sound measurement shall not be more than five (5) miles per hour, or twenty-five (25) miles per hour if the measurement is taken with the assistance of a wind screen.

(d) In all sound level measurements consideration shall be given to the effect of the ambient noise level created by the other noises of the environment and shall consider all noise sources at the time and place of the sound level measurement.

(e) Notwithstanding any other provisions to the contrary, no person or organization shall cause, suffer, allow or permit sound from any source which, when measured at the point of the annoyance as stated herein, is in excess of the decibel readings listed on the chart below:

REPETITIONS	COMMERCIAL, INDUSTRIAL or BUSINESS	
Per 24 hr Period	7:00 am-10:00 pm	10:00 pm-7:00 am
CONTINUOUS	Must Comply with OSHA/TOSHA standards	Must Comply with OSHA/TOSHA standards
100	Must Comply with OSHA/ TOSHA standards	Must Comply with OSHA/ TOSHA standards
10	Must Comply with OSHA/ TOSHA standards	Must Comply with OSHA/TOSHA standards
1	Must Comply with OSHA/TOSHA standards	Must Comply with OSHA/TOSHA standards

(2) Exceptions. None of the prohibitions hereof shall apply to or be enforced against:

(a) Utility vehicles. Any utility vehicle while engaged upon necessary public business, so long as the business is being conducted in a reasonable manner.

(b) Repair of streets. Excavation or repairs of bridges, streets or highways at night, by or on behalf of the city, the county or the state, when the public welfare and convenience renders it impractical to perform such work during the daytime.

(c) Non-commercial and non-private use of loudspeakers and amplifiers. Reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by non-profit organizations are exceptions, however, no such use shall be made until a permit therefor is secured from the chief of police. The hours for the use of amplified or public address systems by the nonprofit organization will be designated in the permits and the use of said systems shall be restricted to the hours designated.

(d) Any person or organization operating under a temporary or permanent permit which has been issued under the provisions of this section. A person may apply for a noise exception permit by submitting an application to the Chief of Police for the City of Lebanon upon approved application forms. The application shall denote the time and place of the proposed noise generator, the source of the noise and the purpose for requesting the permit. Two types of permits may be issued by the chief of police, after consultation with the city engineer: A temporary permit which expires five (5) days after

issuance and which is for a specific time and place of operation, or a permanent permit which applies to a permanent location where good cause is shown for the source of sound to exceed the proposed limits stated herein and the chief of police in consultation with the city engineer has determined that no threat to public safety or annoying nuisance shall occur from the issuance of the subject permit. A temporary permit may be issued by the chief of police upon proper application without city council approval. A permanent permit may be issued upon application to the chief of police. (1968 Code, § 10-234, as replaced by Ord. #95-1382, Nov. 1995, and amended by Ord. #02-2318, March 2002)

**11-402. Miscellaneous prohibited noises enumerated.** (1) The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this section, but this enumeration shall not be deemed to be exclusive, namely:

(a) Blowing horns. The sounding of any horn or signal device on any automobile, motorcycle, bus, streetcar, or other vehicle while in motion, except as a danger signal if another vehicle is approaching, apparently out of control, or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

(b) Radios, phonographs, sound devices. The playing of any radio, phonograph, or any musical instrument or sound device, including but not limited to loudspeakers or other devices for reproduction or amplification of sound either independently or in connection with motion pictures, radio, or television in such a manner or with such volume, particularly during the hours between 11:00 P.M. and 7:00 A.M., as to annoy or disturb the quiet, comfort, or repose of any persons in the hospital, dwelling, hotel, or other type of residence, or of any persons in the vicinity.

(c) Yelling and shouting. Yelling, shouting, whistling, or singing on the public streets, particularly between the hours of 11:00 P.M. and 7:00 A.M. or at any time or place so as to annoy or disturb the quiet, comfort, or repose of any persons in the hospital, dwelling, hotel, or other type of residence or of any persons in the vicinity.

(d) Pets. The keeping of any animal, bird or fowl which by causing frequent or long continued noise disturbs the comfort or repose of any person in the vicinity.

(e) Use of vehicle. The use of any automobile, motorcycle, streetcar, or vehicle so out of repair, so loaded, or in such manner as to cause loud and unnecessary grating, grinding, rattling, or other noise.

(f) Exhaust discharge. To discharge into the open air the exhaust of any steam engine, motor vehicle, or boat engine except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(g) Noises near schools and places of assembly. The creation of any excessive noise on any street adjacent to any school, institution of learning, church, or court while in session, or adjacent to any hospital.

(h) Loading and unloading operations. The creation of a loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates, and containers during the hours of 11 P.M. to 7:00 A.M.

(i) Noises to attract attention. The use of any drum, loudspeaker, or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show, sale, or display of merchandise.

(j) Loudspeakers or amplifiers on vehicles. The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other purposes.

(k) Loud sound amplification systems in vehicles.

(i) No person operating or occupying a motor vehicle on a street, highway, alley, parking lot, or driveway, whether public or private property, shall operate or permit the operation of any sound amplification system from within the vehicle so that the sound is plainly audible at a distance of fifty (50) or more feet from the vehicle.

(ii) "Sound amplification system" means any radio, tape player, compact disc player, loud speaker, or other electronic device used for the amplification of sound.

(iii) "Plainly audible" means any sound produced by a sound amplification system from within the vehicle which clearly can be heard at a distance of fifty (50) or more feet. Measurement standards shall be by the auditory senses, based on direct line of sight. Words or phrases need not be discernible and bass reverberations are included. The motor vehicle may be stopped, standing, parked, or moving on a street, highway, alley, parking lot, or driveway on either public or private property.

(iv) It is an affirmative defense to a charge under this subsection that the operator was not otherwise prohibited by law from operating the sound amplification system, and that any of the following apply: medical or vehicular assistance or to warn of a hazardous road condition;

(A) The system was being operated to request (B) The vehicle was an emergency or public safety vehicle;

(C) The vehicle was owned and operated by the City of Lebanon, or a utility, gas, electric, communications, or refuse company; or

(D) The system or vehicle was used in authorized public activities, such as parades, fireworks, sports events, musical productions, the Wilson County Fair, or any activities at the James E. Ward Agricultural Center, and other activities which have the approval of the city council or a department of the city authorized to grant such approval.

(2) Exceptions. None of the terms or prohibitions of this section shall apply to or be enforced against

(a) Utility vehicles. Any utility vehicle while engaged upon necessary public business, so long as the business is being conducted in a reasonable manner.

(b) Repair of streets or public ways. Excavations or repairs of bridges, streets, or highways by or on behalf of the city, Wilson County, or the State of Tennessee, during the night season when the public welfare and convenience renders it impossible to perform such work during the day.

(c) Noncommercial and nonprofit use of loudspeakers or amplifiers. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations.

However, no such use shall be made until a permit therefor is secured from the chief of police in each instance. Hours for the use of such amplifier or public address systems will be designated in the permit so issued and the use of such system shall be restricted to the hours designed in the permit.

(d) Use of loudspeakers or amplifiers for auctions; permits. No person shall use loudspeakers or amplifiers to conduct auctions unless he or she first obtains an annual permit therefor. Permits for the use of loudspeakers or amplifiers shall be obtained from the chief of police.

Each permit shall be valid for one year. Hours for the use of such amplifier or public address systems will be designated in the permit so issued and the use of such system

shall be restricted to the hours designed in the permit. Operators of loudspeakers or amplifiers for the purpose of conducting auctions shall not violate city ordinance provisions concerning noise pollution. (as added by Ord. #02-2318, March 2002)

**ARLINGTON**

**15-928. Unnecessary noise; decibel rating.** (1) Definitions. For the purposes of this section, certain words and phrases used herein are defined as follows:

- (a) "Ambient noise" is the all-encompassing noise associated with a given environment being usually a composite of sounds from many sources, near and far.
- (b) "A-weighted level" is the total sound pressure level of all noise as measured with a sound level meter using the A-weighting network. The unit of measurement is the db(A).
- (c) "Band pressure level" of sound for a specified frequency band is the sound pressure level for the sound contained within the restricted band. The reference pressure must be specified.
- (d) "Cycle" is the complete sequence of values of a periodic quantity that occurs during a period.
- (e) "Decibel or dB" is one-tenth of a bel and is a unit of level when the base of the logarithm is the tenth root of ten (10), and the quantities concerned are proportional to power.
- (f) "Sound analyzer" is a device for measuring the band pressure level or pressure spectrum level of a sound as a function of frequency.
- (g) "Sound level meter" is an instrument, including a microphone, an amplifier, an output meter, and frequency-weighting networks for the measurement of noise and sound levels in a specified manner.
- (h) "Sound pressure level," in decibels of sound, is twenty (20) times the logarithm to the base ten (10) of the ration of the pressure of this sound to the reference pressure, which reference pressure is for the purposes of this section a reference pressure of twenty (20) micro-newtons per meter squared. All technical definitions are in accordance with American National Standards Institute S1. 1-1960 entitled "Acoustical Terminology."

(2) Motorized vehicles. It shall be unlawful to operate a motorized vehicle, including, but not limited to, cars, trucks, buses, motorcycles, motorbikes, minibikes, and go-carts, within the Town of Arlington, on private or public property, which creates a noise or sound which exceeds the noise level limits set out in Table 1 below:

TABLE 1. LIMITING NOISE LEVELS FOR MOTOR VEHICLES

Trucks and buses:	Maximum Allowable Limit (dB(A))
Over 10,000 pounds	
Measured at 50 feet . . . . .	87
Measured at 25 feet . . . . .	93
Under 10,000 pounds	
Measured at 50 feet . . . . .	80
Measured at 25 feet . . . . .	86
Passenger cars:	
Measured at 50 feet . . . . .	78
Measured at 25 feet . . . . .	84
Motorcycles, go-carts, trail bikes and other motorized vehicles not classified as trucks or passenger cars:	
Measured at 50 feet . . . . .	87
Measured at 25 feet . . . . .	93

(a) The measurement of sound or noise shall be made with a sound level meter meeting the standards prescribed by the American National Standards Institute. The instrument

shall be maintained in calibration and good working order. A calibration check shall be made of the system at the time of any noise measurement. Measurements recorded shall be taken so as to provide a proper representation of the noise source and shall not exceed the above levels as measured in any direction. The microphone during measurement shall be positioned so as not to create any unnatural enhancement or diminution of the measured noise. A windscreen for the microphone shall be used when required. Traffic, aircraft and other transportation noise sources and other background noises shall not be considered in taking measurements except where such background noise interferes with the primary noise being measured.

(b) Measurement of noise levels caused by a moving vehicle shall be confirmed by a noise level measurement taken with the vehicle stationary. The driver of said vehicle shall be required to accelerate his engine to one-half throttle, in order to conduct the noise level reading.

(3) Mufflers. It shall be unlawful for any person to operate or cause to be operated any muffler attached to any motor vehicle or any other mechanized unit which produces noise levels exceeding dB(A) ratings as set out in Table 1 and accompanying subsections above.

(4) Horns and other warning devices generally. It shall be unlawful for any person to operate or cause to be operated any horn, siren, whistle, bell or any electronic blast which may be attached to any motor vehicle or other mechanized unit which is in any manner inconsistent with § 15-915.

(5) Trains. It shall be unlawful for any person to operate or cause to be operated a warning device of any type, including, but not limited to, a whistle, horn or electronic blast, on trains or vehicles which operate on stationary rails in excess of eighty-seven (87) dB(A) at fifty (50) feet (Table 1 above) for a sustained period of more than thirty (30) seconds, except as may be required by any federal safety regulation requiring sounding of warning signals at grade crossings.

(6) Manner of enforcement. Violations of this section shall be prosecuted in the same manner as other offense violations of the ordinance comprising this chapter, and shall be initiated upon issuance of a traffic citation after verification by an officer using a sound meter.

(7) Exemptions. The following uses and activities shall be exempt from noise level regulations:

(a) Ambulance, whether owned by private company or government operated, while upon call to scene of accident or emergency situation.

(b) Vehicles used as garbage collection trucks while in performance of duties and used for either loading or processing of garbage and debris, whether privately owned or government operated.

(c) County or town fire equipment upon emergency call and return.

(d) Arlington Police, Shelby County Sheriff's equipment, and/or other city, county, state and federal law enforcement equipment, upon emergency call.

(e) Vehicular equipment used in connection with removal of trees, brush, undergrowth, etc., whether privately owned or government operated.

(f) All of the above-mentioned vehicles, with the exception of county fire equipment, shall be required to maintain mufflers and related equipment within the noise level regulations contained in this section. (Ord. #1997-14, Oct. 1997)

## **DAYTON**

**16-310. Conditions for granting permit.** (1) A condition to granting the permit the special events committee may impose reasonable terms and regulations concerning the time and place of the event; the area and manner of conducting the event; the maximum number of persons participating therein; the regulation of traffic, if required, including the number and type of vehicles, the number and type of signs and barricades to be provided by the applicant, if any,

together with a plan of their disposition attached to the application; permissible decibel levels; and such other requirements as it may find reasonable and necessary for the protection of persons and property.

(2) The special events committee may require applicant to compensate the city for incidental costs such as utility charges and increased fire and police protection. Permittee, as a condition to granting the permit, agrees to bear these costs.

(3) As an additional condition to granting the permit, applicant shall be required to ensure that participants and spectators of the special event abide by the rules and regulations of this code and all other applicable local, state, and federal laws.

(4) The city police department has the authority to stop a special event at any time it determines the public safety is in jeopardy.

(5) Applicant is prohibited from charging any spectator a fee for observing a special event at the beach unless approved in writing by the city manager.

(6) Applicant may request a waiver of any condition set forth herein or otherwise found in this code in accordance with procedures allowing the waiver to be granted. (1988 Code, § 12-310)

## **ALCOA**

**11-302. Anti-noise regulations.** Subject to the provisions of this section the creating of any unreasonably loud, disturbing, and unnecessary noise is prohibited. Noise of such character, intensity, or duration as to be detrimental to the life or health of an individual, or in disturbance of the public peace and welfare, is prohibited.

(1) Miscellaneous prohibited noises enumerated. The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this section, but this enumeration shall not be deemed to be exclusive, namely:

(a) Blowing horns. The sounding of any horn or signal device on any automobile, motorcycle, bus, truck, or other vehicle while not in motion, except as a danger signal if another vehicle is approaching, apparently out of control, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonable loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

(b) Radios, phonographs, etc. The playing of any radio, phonograph, stereo, compact disc player, or any musical instrument or sound device, including but not limited to loud speakers or other devices for reproduction or amplification of sound, either independent of or in connection with motion pictures, radio, or television, in such a manner or with such volume, particularly during the hours between 11:00 P.M. and 7:00 A.M., as to annoy or disturb the quiet, comfort, or repose of persons in any office or hospital or in any dwelling, hotel, or other type of residence, or of any person in the vicinity.

(c) Yelling, shouting, hooting, etc. Yelling, shouting, hooting, whistling, or singing on the public streets at any time or place so as to annoy or disturb the quiet, comfort, or repose of any person in any hospital, dwelling, hotel or other type of residence, or of any person in the vicinity.

(d) Pets. The keeping of any animal, bird or fowl which by causing frequent or long continued noise shall disturb the comfort or repose of any person in the vicinity.

(e) Uses of vehicle. The uses of any automobile, motorcycle, truck or vehicle so out of repair, so loaded, or in such manner as to cause loud and unnecessary grating, grinding, rattling or other noise.

(f) Blowing whistles. The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request to proper municipal authorities.

(g) Exhaust discharge. To discharge into the open air the exhaust of any steam engine, stationary internal combustion engine, motor vehicle, or boat engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(h) Building operations. The erection (including excavation), demolition, alteration, or repair of any building in any residential area or section or the construction or repair of streets and highways in any residential area or section, other than between the hours of 7:00 A.M. and 6:00 P.M. on weekdays, except in case of urgent necessity in the interest of public health and safety, and then only with the permit from the building inspector granted for the period while the emergency continues not to exceed thirty (30) days. If the building inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration, or repair of any building or the excavation of streets and highways between the hours of 6:00 P.M. and 7:00 A.M. and if he should further determine that loss or inconvenience would result to any party in the interest through delay, he may grant permission for such work to be done the hours of 6:00 P.M. and 7:00 A.M. upon application being made at the time that the permit for the work is awarded or during the process of the work.

(i) Loading and unloading operations. The creation of any loud and excessive noise in connection with the loading and unloading of any vehicle or the opening and destruction of bales, boxes, crates and other containers.

(j) Noises to attract attention. The use of any drum, loud speaker, or other instrument or device emitting noise for the purpose of attracting attention to any performance, show, or sale, or display of merchandise.

(k) Loudspeakers or amplifiers on vehicles. The use of mechanical loudspeakers or amplifiers on trucks or any moving or standing vehicles for advertising or other purposes.

(2) Exceptions. None of the terms or prohibitions here shall apply to or be enforced against:

(a) Municipal vehicles. Any vehicle of the municipality while engaged upon necessary public business.

(b) Repair of streets, etc. Excavations or repairs of bridges, streets, or highways at night, by or on behalf of the municipality, the county, or the state, when the public welfare or convenience renders it impractical to perform such work during the day.

(c) Noncommercial and nonprofit use of loudspeakers or amplifiers. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations.

However, no such use shall be made until a permit therefor is secured from the city recorder as provided for herein. Hours for the use of an amplifier or public address system will be designated in the permit so issued and the uses of such systems shall be restricted to the hours so designated in the permit as provided for herein.

(3) If a particular activity is authorized herein upon application for, and obtaining, a permit from the city recorder, any person seeking such a permit must file with the city recorder a registration statement in writing. This registration statement shall be filed in duplicate and shall state the following:

(a) Name and home address of the applicant.

(b) Address of place of business of applicant.

(c) License number and motor number of the sound truck, amplifiers or loudspeakers to be used by applicant.

(d) Name and address of person who own the sound truck, amplifiers or loudspeakers.

(e) Name and address of person having direct charge of sound truck, amplifiers or loudspeakers.

(f) Names and addresses of all persons who will use or operate the sound truck, amplifiers or loudspeakers.

- (g) The purpose for which the sound truck, amplifiers or loudspeakers will be used.
- (h) A general statement as to the section or sections of the city in which the sound truck, amplifiers or loudspeakers will be used.
- (i) The proposed hours of operation of the sound truck, amplifiers or loudspeakers.
- (j) The number of days for the proposed operation of the sound truck, amplifiers or loudspeakers.
- (k) A general description of the sound amplifying equipment which is to be used.
- (l) The maximum sound producing power of the sound amplifying equipment in or on the sound truck, amplifiers or loudspeakers. State the following: The wattage to be used, the volume in decibels of the sound which will be produced, and the approximate maximum distance for which sound will be thrown from the sound truck, amplifiers or loudspeakers. Any such registration statement shall be amended by the person who has submitted the registration statement forty-eight (48) hours after any change in the information therein furnished. The city recorder shall return to each applicant one (1) copy of said registration statement duly certified by the city recorder as a correct copy of said application. Said certified copy of the application shall be in the possession of any person operating the sound truck, amplifier or loudspeaker at all times while the amplification equipment is in operation, and said copy shall be promptly displayed and shown to any policeman of the City of Alcoa upon request. (Ord. #986, July 1995)

## RE: Annesdale PD 2021-30 MIKE TODD OPPOSE APPLICATION

Mike Todd <mike@stop345.com>

Thu 9/2/2021 12:06 PM

To: 'Christopher Church' <Christopher.Church@BaptistU.edu>; Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>

Cc: Zeanah, John <John.Zeanah@memphistn.gov>

**CAUTION:** This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

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Christopher, Jeffrey, John,

Mike Todd here. I am the co-Owner with Becky Todd, my wife of 30 years, of 790 Snowden Circle East, which is directly across the street from the Mansion, (and more specifically the area where music is played).

I have previously written a letter with other points, but I believe I neglected to send it to you (John).

I concur with all points of Christopher's letter, written as President of Annesdale Snowden Historic District. **However my position is a bit "harder". I don't outdoor events under any circumstance. We are directly impacted, arguably more than any address in the neighborhood.** The penalties are just too scant, and the wedding rental business revenues so lucrative, they can just budget \$1500 per month for penalties, and \$5000 for lawyers on retainer, and it is directly proven from history that hearings in environmental court can be delayed for years, as the operations continue.

I have actually spoken to Doug McGowen on this matter, as well. My understanding through him is that penalties are set by the State of TN, and that tougher penalties cannot be "enacted on a case-by-case basis, or at the local level".

My other main issues I didn't discuss in my previous letter:

1. We have worked hand-in-hand w/OPD in the down-zoning of this historic neighborhood to single family, and the elimination of boarding type houses for decades. Outdoor recreation is an EXTREMELY intense usage in a residential neighborhood, and is not even a usage, per my understanding, allowed in RU-4 zoning, even with a special use permit.
2. Even if this usage is allowed, the Applicant is proposing to maintain the Outdoor Entertainment Area in the Southernmost region of the property. This literally impacts the maximum # of residents/properties. (A required relocation of the Outdoor Entertainment Area, and projection of music toward Lamar).

I have no personal problem with the applicant, and I believe her intentions are generally admirable, however, as Christopher stated, she has not offered to codify any of our requests in her application.

**I strongly oppose this application.**

**Mike Todd**  
**m-901-650-2112**

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**From:** Christopher Church <Christopher.Church@BaptistU.edu>

**Sent:** Wednesday, September 1, 2021 3:43 PM

**To:** Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>

**Cc:** John.Zeanah@memphistn.gov

**Subject:** Re: Annesdale PD 2021-30

Good afternoon, Jeff,

Please find responses to PD 2021-30 from a current neighbor, Jesse Faris (1279 Sledge Ave.), and former neighbors, Stanton and Genevieve Thomas (formerly of 1301 Agnes Place) for inclusion in your staff report.

I plan to send a formal response in my role as President of the Annesdale-Snowden Neighborhood Association sometime tomorrow, after having time to confer with my Board. I have heard from many neighbors and almost all are opposed to

allowing Annesdale to continue hosting events, at least without significant, enforceable restrictions.

The prospective buyer has taken a business position of not agreeing to anything specific and measurable in conversation with a large group of Annesdale neighbors at Memphis Heritage Monday night or at Annesdale last week.

I would hope that the Office of Planning and Development will not recommend proceeding with PD 2021-30 as submitted. (Murphy Maude simply copied Ken Robinson's application and made a few changes to request additional nonconforming uses to expand their operations; nothing in the submission addresses neighborhood grievances.) With additional time to negotiate solutions that would respect the needs of the surrounding neighbors and the pressure from LUCB to make some changes or face rejection, I believe that we and Leslie Murphy could come to some agreement that is mutually beneficial.

That agreement would have to specify measurable limits on events at Annesdale and the consequences for not adhering to the agreement. Those limits might include, among other suggestions:

- Decibel levels that will not be exceeded. The Association Board has discussed a level around 50 db.
- Revised limits on the time for ending music for any new contracts. The neighborhood association prefers the cut off to be 9:00 p.m. as with the Levitt Shell.
- For events that Ken Robison contracted sans required permit, the neighborhood association would expect a lower decibel threshold for any music after 9:00 p.m.
- Limits on the number of new outside events can be contracted and scheduled per month. The neighborhood association feels it is inappropriate for events to be scheduled every weekend during comfortable weather.
- A sunset clause that would require re-permitting of events after 2 or 3 years to allow for re-evaluation of the ongoing effect of events on Annesdale-Snowden quality of life under Leslie Murphy's management. The neighborhood association is categorically opposed to granting a variance in perpetuity.
- Prohibition of public (event) parking on the outside of Snowden Cir. And on the Central section of Agnes Place. Street signs should designate this parking as for residents only, as is done on some neighborhood streets near Overton Square.
- Prohibition of commercial vehicles, such as large buses, parking and idling on neighborhood streets for hours during events.

Our Board may have additional items they wish to be addressed. I look forward to working with Land Use Development and Murphy Maude to work towards explicit, measurable and legally binding limits.

Christopher Church, President

Annesdale-Snowden Historic Neighborhood Association. CLC

**Letter in Opposition to PD 2021-30 from Mike Todd, Co-Owner of 790 E Snowden Circle  
Annesdale-Snowden Historic District**

**09/03/2021**

Land Use Control Board Members and Staff:

I have previously sent a letter detailing my various reasons for opposition to this proposed PD 2021-30. Please review it in conjunction w/this letter of opposition, I will try to limit redundancies. This letter will specifically address the required stipulations, and staff comments/information provided, from the original PD 12-314 that were never adhered to, and continue, and continue to exist to this day, even in light of a multi-year unresolved Environmental Court Lawsuit. (I'm highlighting these deficiencies to show the lack of prior enforcement of the conditions stipulated, and why we can expect to have a similar lack of enforcement going forward)

I will quote, in paraphrase, from the previous application, for brevity:

- 1) Page 1 of Staff Report: Conclusion section:** " Although usage not allowed by right in RU-4" ,,,usage is reasonable based on the residential component. **(The prior applicant has not lived on site in over 7 years).**
- 2) Staff Analysis: Page 8, Paragraph:** "The house was constructed as part of the Snowden Homestead Subdivision", why was it not included in the Annesdale Historic District when it was established?
- 3) Staff Analysis: Page 8, Final Paragraph:** There is another reference to the owner occupying the home, which has not happened in over 7 years.
- 4) Staff Analysis: Page 9, 3+5+Final Paragraph:** This section continues to reference the fact that the applicant will live on-site, and a major reason for approval. (New new applicant has not proposed to live on-site.
- 5) Staff Analysis: Page 10, Multiple Paragraphs, Specific Use Description:** Other references to the use as "primary residence", various discussion of "projected # of attendees", which landed on 150. The primary events at Annesdale, and the suspiciously approved Certificate of Occupancy, (2 years after operations started) is @ 300. (All parking impact analysis was based on 150 attendees).
- 6) Staff Analysis: Page11, Final Paragraph:** States that (3) guards, but actually alludes to (4), "one at each entrance and service entrance" (This adds to (4)). This has never happened.

**Staff Analysis: Page 12, Paragraph 3A-and continuing (circulation, Access, and Parking)-** City Engineer required construction of a Legal curb-cut at the service entrance for ingress/egress/fire access. Also, later in Engineer's comments requirements are made for a legal sidewalk and multiple Handicap accessible points for event visitors. **(This never happened).**

- 7) Section H required “No valet parking on Snowden Circle/Agnes Place” (**Valet parking happens on street at every event, as well as, staff parking**).
- 8) **Page 13, Section VII.** “A final plan shall be filed within (5) years of this approval” (**This never happened, and the applicant continues to operate to this day, even though this requirement was to be met over @ 4 years ago**).

**In summation, as the time to submit this letter is fast approaching, and please excuse any typos: The previous applicant violated “the meat” of virtually all the requirements which would have made this use more safe, and more “palatable” for the neighbors. If the applicant would have lived on-site, as purported, there is an obvious inclination to believe, that for his own “quiet enjoyment” he would have complied w/most of these requirements.**

**Finally, Enforcement is NON-EXISTENT. This particular applicant was proven to be a “Bad Actor”. The current applicant APPEARS to want to operate in a manner much more conducive to the neighborhood interests, but so did the previous applicant at his time of application. The overall point is that until enforcement is “brisk” and penalties are truly “penal” there is “VIRTUALLY NO INCENTIVE TO COMPLY WITH OPD REQUIREMENTS”.**

**I RESPECTFULLY AND STRONGLY REQUEST REJECTION OF THIS APPLICATION 2021-30.**

Respectfully submitted,

Mike Todd, Co-Owner

790 East Snowden Circle 38104

m-901-650-2112

## PD2021-30 Opposition Comments 1325 Lamar Ave.

Rebecca Todd <rebeccagogetodd@gmail.com>

Thu 9/2/2021 11:30 PM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>; Zeanah, John <John.Zeanah@memphistn.gov>; Whitehead, Josh <Josh.Whitehead@memphistn.gov>

Cc: Christopher Church (BCHS Employee) <Christopher.Church@bmhcc.org>

**CAUTION:** This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

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Dear Sirs,

I am a resident of Annesdale Snowden Historic District. My husband and I have lived here 30 years and raised our children, now grown, in the neighborhood. We are currently and directly negatively impacted by the property's present operations and will further be impacted by the more intensive proposed PD-2021-30.

I am writing in opposition to PD-2021-30. I am not opposed to all creative usages, however allowing outdoor recreation (UDC-2.9 4D, page 59) and indoor recreation (UDC-2.9 4A page 57) is incompatible with a residential neighborhood consisting primarily of single-family homes and designated a Historic District.

For literally decades, OPD has planned and enforced the single-family downzoning and historic protections of this neighborhood asset for the benefit of the City of Memphis. The most intense usage of the four proposed on PD2021-30, Outdoor/Indoor Recreation, is shown on the application to be located where the deepest incursion into Annesdale Snowden Historic District would occur. Under current ownership, events take place in the same area. Our negative experiences with current event operations have been awful and numerous.

Our family chose to live in a peaceful, community-minded, and historic neighborhood. We did not choose to live across from an event venue where music plays loudly enough to vibrate the windows and late into the night, prevents sleep and disrupts the enjoyment of our home and yard day or night.

A current case is pending in environmental court which addresses property's present owner, Ken Robison-PD # 12-314 dated 09/13/2012 for event usage. It is my position that it has not been operating in accordance or legally under terms of the previous PD since 2017. A new PD Application should not be allowed until the pending case is heard and especially when contracts for events well into 2022 transfer to the current applicant under the terms of sale.

I am not opposed to Murphy Maude Interiors' business being in Annesdale Mansion, nor am I opposed to an owner operator Bed and Breakfast. I believe Ms. Murphy is sincere and has the best intentions for her business and the property. Annesdale Mansion is a treasure within a treasure. MY OPPOSITION IS based on current owner's operations over the past several years, the negative impact said operations have had on our lives at home, Murphy Maude Interiors offering no concessions in two public meetings with neighbors to reduce scope of intense usage and finally, the lack of complete, clear, concise planning and enforcement by your office on property's previous application.

Should OPD support PD2021-30, I recommend some of the following restrictions: PD2021-30 be specific to applicant/owner only and not transferable with property to future owner; become part of the historic district overlay; limit outdoor events significantly in scope and definition compared to current UDC; restrict outdoor events to front of property with music/volume facing Lamar; limit decibel level significantly; limit

hours permitted for outdoor events and/or elevated volume to 8:00 p.m. weekdays and 9:00 p.m. weekends; limit number of events per month; plant trees around perimeter ( some big trees are near their end and once felled will lessen the absorption of sound as well as increase visibility to numerous vehicles on property parking lot. Require owner/operator to purchase \$100,000 bond issued to Annesdale Snowden Historic District for legal fees if needed to address non-compliance of permit by property owner. There is no incentive to comply if fines are \$50.00 per occurrence and event rates at the mansion currently range between \$10,000 and \$12,500.

Thank you for your consideration. Thank you also for your continued commitment and hard work to make our city better every day.

Sincerely,

Becky Todd

790 East Snowden Circle

--

Becky Todd

(901) 870-5454 mobile

(901) 725-5625 office

(901) 272-0934 fax

## Planning & Development/Land Use Control

First Floor Council Chambers  
125 N. Main  
Memphis, TN 38103

To whom it may concern:

We have heard recently that Annesdale Mansion, an events venue and historic home located at 1325 Lamar Avenue, Memphis, TN, 38104, is being considered for purchase by Murphy Maude Interiors. We understand that they wish to continue to use the structure as an events venue, particularly for wedding receptions held during the evening hours. In order to do this, they would need to be granted a zoning variance which would allow them to hold such events. We urge you, for the quality of life in the surrounding neighborhood, not to grant this.

Although we left Memphis three years ago, we will never forget the loud, terribly vexing parties held regularly at Annesdale Mansion on Friday and Saturday nights until 11:00 in the evening. Having to put up with that noise was a major factor in our deciding to leave Memphis. The surrounding neighborhood is a vibrant, inclusive, peaceful part of the city, filled with people who work 9 to 5 jobs. They have been unfairly burdened with having a party venue dropped into their front yards. While we lived there, the windows in our former home at 1301 Agnes Place literally shook when the music played, not only getting our dogs worked up and barking, but inevitably causing our 4 year old to wake. Also, some bands were not respectful of the 11:00 cut off deadline, and we sometimes had to call the police. And we know that we were not the only residents who were so negatively impacted by Annesdale.

We were bitterly disappointed that the city did not do more to insure the quality of life the numerous taxpaying citizens who live in in the immediate vicinity. If nothing else, they could have imposed a decibel limit (which regularly reached 95 decibels on the street) for events or compelled them to have events on their front, rather than the back lawn. At least that would have made the situation a bit more bearable for Annesdale's neighbors. The city's lack of action was particularly galling given that there are plenty of noise ordinances for private residences. So again, we urge you NOT to grant this variance. It is the least you can do for the residents of Annesdale-Snowden Neighborhood.

Please let me know if you have any questions.

Yours sincerely,

Genevieve Hill-Thomas, Ph.D. and Stanton Thomas, Ph.D.  
2847 6<sup>th</sup> Avenue NE  
St. Petersburg, Florida 33713

Sent via the Samsung Galaxy S7 edge, an AT&T 4G LTE smartphone

----- Original message -----

From: Stanton Thomas <sthomas@mfastpete.org>

Date: 8/30/21 8:43 PM (GMT-06:00)

To: oldhousechris@gmail.com

Cc: gena\_hill@yahoo.com

Subject: Annesdale House

Dear Christopher,

Thank you so much for reaching out to me. We miss you, too. And the amazing neighborhood and neighbors. I have heard that it is thriving and that house prices are going up. That's great to know. As you know, the parties at Annesdale were a constant thorn in our side during our last three or four years in Memphis. So I am happy to write a letter on behalf of the neighborhood. I also hope that this time, unlike the last, the neighborhood can present a single, united front—without it's president going behind the backs and against the wishes of the majority to endorse the opposition.

Best of luck. And let me know if I can do anything to help.

Yours,

Stanton

## **LAND USE CONTROL BOARD RECOMMENDATION**

At its regular meeting on **Thursday, September 9, 2021**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

<b>CASE NUMBER:</b>	PD 2021-30
<b>DEVELOPMENT:</b>	Annesdale Mansion Planned Development
<b>LOCATION:</b>	1325 Lamar Avenue
<b>COUNCIL DISTRICT(S):</b>	District 6 and Super District 8 – Positions 1, 2, and 3
<b>OWNER/APPLICANT:</b>	Ken Robison / Leslie Murphy
<b>REPRESENTATIVE:</b>	Kate Haywood
<b>REQUEST:</b>	To allow office, retail, overnight accommodation, and indoor and outdoor events
<b>EXISTING ZONING:</b>	Residential Urban – 4 (RU-4) and Midtown Overlay District
<b>AREA:</b>	+/-7.176 acres

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**The following spoke in support of the application:** Kate Haywood

**The following spoke in opposition the application:** Carol Gibbs, Christopher Church, Marty Lipinski, and Keith Humphreys

The Land Use Control Board reviewed the application and the staff report. A motion was made and seconded to recommend approval with conditions.

**The motion passed by a unanimous vote of 9-0 on the regular agenda.**

Respectfully,



Jeffrey Penzes  
Principal Planner  
Land Use and Development Services  
Division of Planning and Development

Cc: Committee Members  
File

**PD 2021-30  
CONDITIONS**

**Outline Plan Conditions**

- I. Permitted Uses – Uses permitted by right in the RU-4 District with the following additional uses permitted:
  - A. Office uses – limited to an interior design businesses and professional service office uses of a similar nature such as architect, engineer, advertising firm, business management consulting, etc.
  - B. Retail sales – limited to an interior design showroom and uses of a similar nature.
  - C. Bed and Breakfast – A caretaker who permanently resides on the property may substitute for the permanently owner-occupied criteria as contained in Condition I.E below.
  - D. Indoor and Outdoor Recreation uses limited to the following:
    1. Event types such as art gallery showings/openings, community-based events and meetings, corporate retreats, weddings, and receptions. Additional event types of a similar nature may be permitted subject to administrative review and approval of Land Use and Development Services.
  - E. A staff member shall be on-site during the duration of all events until such time there is a bed and breakfast operating on-site at which time a staff member shall be required to stay overnight as well.
- II. Indoor/Outdoor Event Regulations
  - A. Hours of operation and frequency:
    1. Sunday through Thursday – Outdoor events shall not commence prior to 8:00 AM and shall conclude by 9:00 PM—entertainment and amplified sound shall conclude by 9:00 PM and guests shall be off the premises or predominantly indoors by 10:00 PM.
    2. Friday and Saturday – Outdoor events shall not commence prior to 8:00 AM and shall conclude by 10:00 PM—entertainment and amplified sound shall conclude by 10:00 PM and guests shall be off the premises or predominantly indoors by 11:00 PM. However, for a maximum of 12 times per calendar year a single event may conclude by 11:00 PM—entertainment and amplified sound shall conclude by 11:00 PM and guests shall be off the premises or predominantly indoors by 12:00 AM.
    3. The maximum number of guests present onsite for any single event shall not exceed one hundred ninety-nine (199) at any time.

4. Any single event including one hundred one (101) to one hundred ninety-nine (199) guests shall be limited to a maximum of twenty-four (24) per calendar year.
  5. Any single event including fifty (50) to one hundred (100) guests shall be limited to a maximum of twenty-four (24) per calendar year.
  6. There is no limit on single events with a maximum of forty-nine (49) guests.
- B. One (1) hour outdoor event setup and cleanup may occur before the earliest and after the latest aforementioned times. During these extended setup and cleanup times, there should be no music or typical outdoor event associated noise occurring.
  - C. The term “predominantly indoors” is defined as being inside the principal structure or on any porch or balcony attached to or outdoor patio abutting the principal structure. The intent is that individuals are not wandering the grounds. All security personnel and staff are exempt from this regulation in the performance of their duties.
  - D. All events with fifty (50) guests or more shall require valet parking. Valet parking is permitted on streets that abut the subject property where permitted in accordance with the Unified Development Code limited to the inside of East and West Snowden Circle and on the north side of Agnes Place that abuts the subject property. No valet parking shall be permitted on outside of East and West Snowden Circle, on Agnes Place where not abutting the subject property, or at any other on-street parking location(s).
  - E. Delivery of food and event supplies shall under no circumstance utilize semi-trailer trucks.
  - F. Commercial vehicles, such as buses, vans, etc., shall not be permitted park or idle on neighboring streets. All commercial vehicles shall be provided on-site parking or parking at another off-site and off-street location.
  - G. The term “guests” includes event hosts, clients, customers, guests, visitors, etc. and it does not include the facility owners, staff, personnel, contractors etc.
  - H. On-site security shall be provided for all events. A minimum of three (3) security guards are required for any event with fifty (50) to one hundred (100) guests and a minimum of four (4) security guards are required for any event with one hundred one (101) to one hundred ninety-nine (199) guests.
  - I. Noise and amplified sound originating from the subject property shall not exceed 60 decibels as measured along the sidewalk across East Snowden Circle, West Snowden Circle, and Anges Place adjacent to the subject property. Noise transfer into the surrounding neighborhoods shall be minimized to the greatest extent feasible.

### III. Bulk Regulations

- A. Building Setbacks shall be in accordance with the Residential Urban – 4 (RU-4) District except for the following: The setback for any tent or temporary structure shall not be located closer than 60 feet to East Snowden Circle, West Snowden Circle, or Agnes Place.
- B. All fencing and walls shall be of high-quality materials, such as wrought iron, brick, etc., subject to administrative review and approval of Land Use and Development Services.
- C. Any exterior changes or alterations to the principal structure or any accessory structure shall require administrative review and approval by Land Use and Development Services. The intent of this condition is to ensure the character of any historical structure is maintained. This condition does not apply to routine maintenance.
- D. Any new structures shall be architecturally compatible with the existing principal structure subject to administrative review and approval by Land Use and Development Services.

IV. Circulation, Access and Parking

- A. A maximum of two pedestrian entrances on Snowden Circle shall be provided as generally depicted on the Concept Plan. The pedestrian entrances shall be designed in the field to minimize the removal of mature trees and must be gated.
- B. A minimum of sixty-five (65) guest parking spaces shall be provided on-site in the areas as generally shown on the Concept Plan.

V. Landscaping

- A. A landscape plan shall be submitted that generally be maintains the landscaping as existing, subject to review and approval by the Land Use and Development Services.
- B. The applicant shall be responsible for the collection of litter immediately after events around the vicinity of the subject property. This includes collecting litter along both sides of East Snowden Circle, West Snowden Circle, and the section of Anges Place adjacent to the subject property and the south side of the section of Lamar Avenue abutting the subject property.

VI. Signs – Signage shall be in accordance with the RU-4 District regulations.

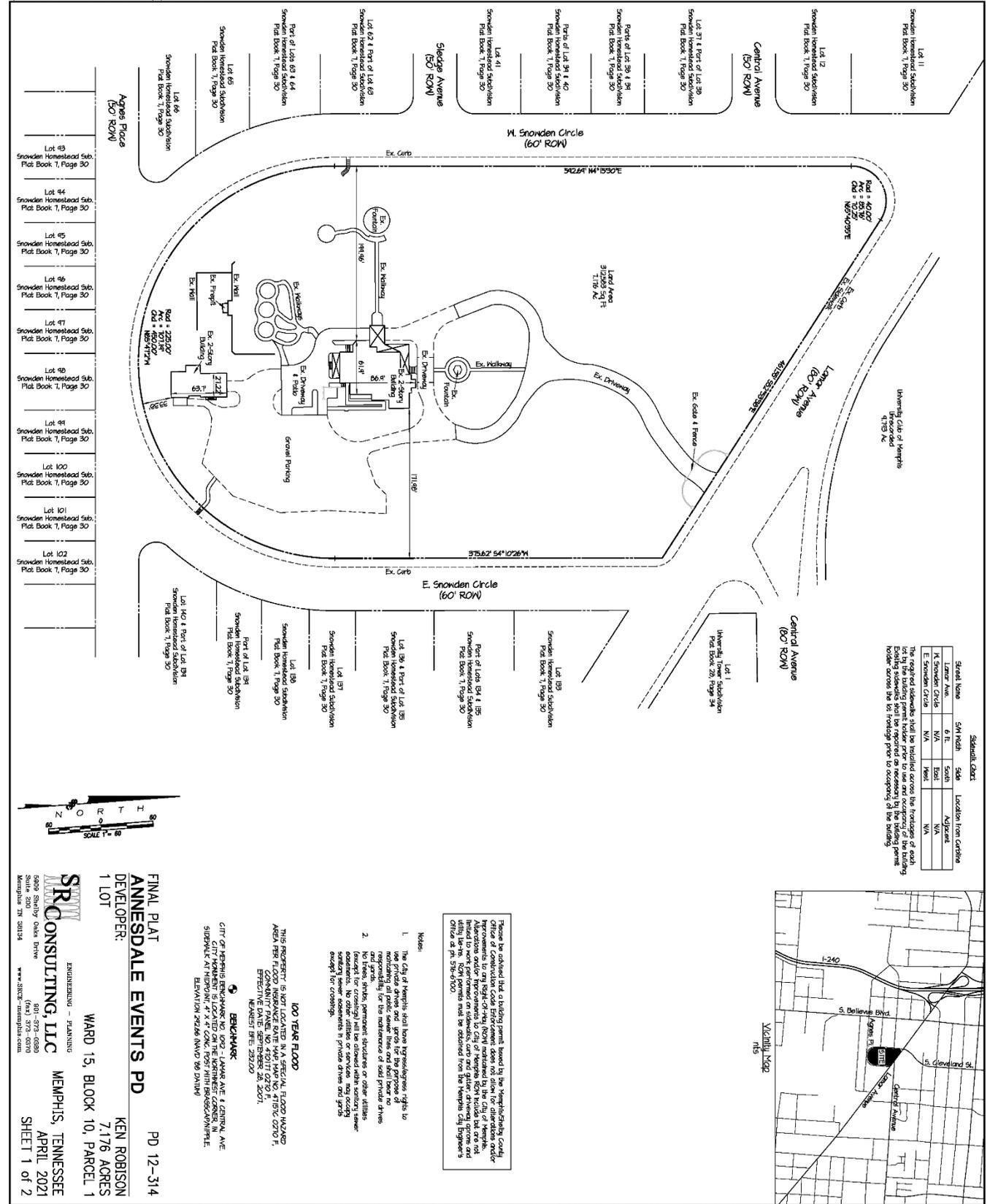
VII. The Land Use Control Board may modify the bulk, access, parking, landscaping, loading, screening, signage, and other site requirements if equivalent alternatives are presented: provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may, within ten (10) days of such action file a written appeal to the Zoning Administrator of the Division of Planning and Development, to have such action reviewed by the appropriate Governing Bodies.

VIII. When uncertainty exists within these outline plan conditions, the Zoning Administrator shall be authorized to make all interpretations.

- IX. A final plan shall be filed within five (5) years of the approval of the outline plan. The Land Use Control Board may grant extensions at the request of the applicant.
  
- X. Any final plan is subject to the administrative approval by Land Use and Development Services and shall include the following:
  - A. The Outline Plan Conditions.
  
  - B. The location and dimensions, including height of all buildings or buildable areas, pedestrian and utility easements, service drives, parking areas, trash receptacles, loading facilities, and required landscaping and screening areas.
  
  - C. The location and ownership, whether public or private of any easement.
  
  - D. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

# CONCEPT PLAN

File No: S10207000-0001 Assessor: FPP/Plat File/Log: Apr. 08, 2021 - 5:04am



**Standard Chart**

Street Name	S/M North	Scale	Location from Centerline
Lamar Ave.	6 ft.	South	Adjacent
K Snowden Circle	N/A	East	N/A
E Snowden Circle	N/A	West	N/A

The required setbacks shall be indicated across the footprints of each building. Building setbacks shall be required as necessary to the building permit holder across the lot footprint prior to occupying of the building.



These are advised that a building permit, based on the Memphis/Grady Office of Construction Code Enforcement does not allow for alterations and/or improvements to any (single-family) ROW contained by the City of Memphis, Tennessee, without the approval of the City of Memphis. All work related to this project shall be performed on sidewalks, curbs and gutters, driveway aprons and utility lines. All ROW permits must be obtained from the Memphis City Engineer's Office at P.O. Box 6700.

- Notes:**
- The City of Memphis shall have the right to require the use of grade ditches and grates for the purpose of maintaining all public sewer lines and shall have no responsibility for the maintenance of said private lines.
  - No trees, shrubs, permanent structures or other utilities (except for crossings) will be allowed within existing sewer easements in private drives and yards except for crossings.

**100 YEAR FLOOD**  
 THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA PER FLOOD INSURANCE RATE MAP NO. 4170C 0270 F. EFFECTIVE DATE: SEPTEMBER 26, 2017.  
**BENCHMARK**  
 CITY OF MEMPHIS BENCHMARK NO. 6093 - LAMAR AVE & CENTRAL AVE. CITY MANHOLE IS LOCATED ON THE NORTHEAST CORNER, IN SUBPLOT AT INTERSECTION OF CENTRAL AVE WITH PROPOSED/EXISTING DELIVISION 2408 (NAD 83) STRIP.

**FINAL PLAT**  
**ANNESDALE EVENTS PD**  
 DEVELOPER: **KEN ROBISON**  
 1 LOT  
 7.176 ACRES  
 WARD 15, BLOCK 10, PARCEL 1  
 PD 12-314

**SR CONSULTING, LLC**  
 ENGINEERING - PLANNING  
 6909 Shelby Oaks Drive  
 Memphis TN 38134  
 (901) 373-0880  
 (901) 373-0370  
 www.srcc.com

MEMPHIS, TENNESSEE  
 APRIL 2021  
 SHEET 1 of 2

**MEMPHIS AND  
SHELBY COUNTY**  **DIVISION OF PLANNING  
AND DEVELOPMENT**

City Hall – 125 N. Main Street, Suite 468 – Memphis, Tennessee 38103 – (901) 636-6619

September 10, 2021

Leslie Murphy  
94 Cumberland Street  
Memphis, TN 38112

*Sent via electronic mail to (applicant's representative): kate@murphymaudeinteriors.com*

Annesdale Mansion Planned Development  
Case Number: PD 2021-30  
LUCB Recommendation: Approval with outline plan conditions

Dear applicant,

On Thursday, September 9, 2021, the Memphis and Shelby County Land Use Control Board recommended **approval** of your planned development application for the Annesdale Mansion Planned Development, subject to the attached outline plan conditions.

This application will be forwarded, for final action, to the Council of the City of Memphis. The Council will review your application in a committee meeting prior to voting on it in a public hearing. The applicant or the applicant's representative(s) shall be in attendance at all meetings and hearings.

It is the applicant's responsibility to contact the City Council Records Office to determine when the application is scheduled to be heard at committee and in public session. The City Council Records Office may be reached at (901) 636-6792.

If for some reason you choose to withdraw your application, a letter should be mailed to the Land Use and Development Services Department of the Division of Planning and Development at the address provided above or emailed to the address provided below.

If you have questions regarding this matter, please feel free to contact me at (901) 636-6619 or via email at [jeffrey.penzes@memphistn.gov](mailto:jeffrey.penzes@memphistn.gov).

Respectfully,



Jeffrey Penzes  
Principal Planner  
Land Use and Development Services  
Division of Planning and Development

**Letter to Applicant**  
**PD 2021-30**

Cc: Kate Haywood, Murphy Maude Interiors  
File

## Letter to Applicant

PD 2021-30

### Outline Plan Conditions

- I. Permitted Uses – Uses permitted by right in the RU-4 District with the following additional uses permitted:
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    4. Any single event including one hundred one (101) to one hundred ninety-nine (199) guests shall be limited to a maximum of twenty-four (24) per calendar year.

## Letter to Applicant

### PD 2021-30

5. Any single event including fifty (50) to one hundred (100) guests shall be limited to a maximum of twenty-four (24) per calendar year.
  6. There is no limit on single events with a maximum of forty-nine (49) guests.
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  - C. The term “predominantly indoors” is defined as being inside the principal structure or on any porch or balcony attached to or outdoor patio abutting the principal structure. The intent is that individuals are not wandering the grounds. All security personnel and staff are exempt from this regulation in the performance of their duties.
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## Letter to Applicant

### PD 2021-30

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- VI. Signs – Signage shall be in accordance with the RU-4 District regulations.
- VII. The Land Use Control Board may modify the bulk, access, parking, landscaping, loading, screening, signage, and other site requirements if equivalent alternatives are presented: provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may, within ten (10) days of such action file a written appeal to the Zoning Administrator of the Division of Planning and Development, to have such action reviewed by the appropriate Governing Bodies.
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**Letter to Applicant**  
**PD 2021-30**

- X. Any final plan is subject to the administrative approval by Land Use and Development Services and shall include the following:
  - A. The Outline Plan Conditions.
  - B. The location and dimensions, including height of all buildings or buildable areas, pedestrian and utility easements, service drives, parking areas, trash receptacles, loading facilities, and required landscaping and screening areas.
  - C. The location and ownership, whether public or private of any easement.
  - D. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

October 18, 2019

Ken Robison  
1325 Lamar Avenue  
Memphis TN 38104

Dear Ken:

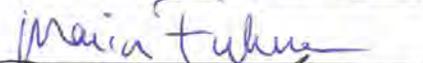
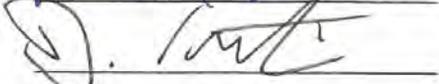
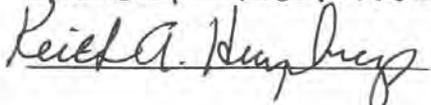
The noise from events at the Annesdale Mansion has become increasingly intolerable, particularly for the adjacent homes. We are being deprived of the quiet enjoyment of our property. The event frequency has increased to the point that now on weekends during the spring and most of summer and autumn the music is so loud it can clearly be heard inside as well as outside nearby homes.

Over the years we have complained to you, your staff, the Office of Planning and Development, and the Memphis City Council and have gotten little relief. July 20, 2019, was probably the loudest party ever at Annesdale and certainly the worst traffic and post event litter the neighborhood has seen. There was a total traffic jam and each street was taken over by parking. The attendance far exceeded the capacity of Annesdale and the surrounding residential streets.

The use of Annesdale for events has not turned out to be what was presented to our neighborhood or the Memphis City Council when the planned development application was approved. Occasional loud parties would be tolerable, but it is nearly every weekend and often Friday, Saturday, and Sunday nights. We have given this use a chance, but the outdoor music is simply not a compatible use in a historic neighborhood of mostly single-family homes.

We request you agree to the City Council amending the conditions of PD 12-314 to no longer allow amplified music outside. This will ensure events at Annesdale cease to disturb the peace of the Annesdale-Snowden neighborhood.

Sincerely,

Name	Email	Street Address
		1329 Agnes Pl
Carol V. Gibbs	Cgibbs536@gmail.com	1323 Agnes Pl
		790 E. Snowden Ct.
Rebecca Googert	Rebeccagoogertadd@gmail.com	
		1349 Agnes Pl
Maria Fuhman	mkfuhman@gmail.com	
		1339 Agnes Pl
Marie Fleurant	mfleurant79@yahoo.com	
		1339 Agnes Pl
Marie Fleurant	Marieobseple85@gmail.com	
		1349 AGNES PL
KATHUMPTER	KATHUMPTER@AOL.com	

Name	Email	Street Address
Beverly Seaton	bjseaton@comcast.net	1359 Agnes
Beverly Seaton		
Jerry Seaton	JA SEATON 1@comcast.net	1359 Agnes
Mark Lipinski	mlipinsk@memphis.eds	774 E. Snowden Cir
V. Scott Frye	vscottfrye71@gmail.com	1291 Agnes Place Memphis, TN 38104
Keith Krueger	kkkrueger99@hotmail.com	1291 AGNES PI
Kenneth Roberson	roberson.kenneth@yahoo.com	1317 Agnes Pl. Memphis TN 38104
Linda Lipinski	lclipinski@gmail.com	774 E. Snowden Cir. 38104
Carissa Hussong	cnhussong@gmail.com	1293 Central
Grayson Hussong	graysonth@gmail.com	1293 Central
David Hussong	david@davidhussong.com	1293 Central
Phoebe Hussong	phoebeilh@gmail.com	1293 Central
Jenny Hester Bank	TE BANKS1@GMAIL	789 West Snowden Circle

CC: Kemp Conrad, City Council Chairman  
Frank Colvett, Planning and Zoning Committee Chairman  
Gerre Currie, City Council District 6  
Joe Brown, City Council Super District 8-1  
Cheyenne Johnson, City Council Super District 8-2  
Martavious Jones, City Council Super District 8-3  
John Zeanah, Director OPD  
Josh Whitehead, Planning Director OPD

Name

Email

Street Address

Haley Simmons

haley.austinsimmons@gmail.com

1273 Agnes Place

Mike Toon (Mike Toon)

mike@stop345.com

790 E. SNOWDEN CIRC.

ESTHER WIPP

ewipp@bellsouth.net

780 E. SNOWDEN CIRC

Waletha Wasson

wwasson1@comcast.net

1345 Agnes Place

\_\_\_\_\_  
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- CC:
- Kemp Conrad, City Council Chairman
  - Frank Colvett, Planning and Zoning Committee Chairman
  - Gerre Currie, City Council District 6
  - Joe Brown, City Council Super District 8-1
  - Cheyenne Johnson, City Council Super District 8-2
  - Martavious Jones, City Council Super District 8-3
  - John Zeanah, Director OPD
  - Josh Whitehead, Planning Director OPD



# Memphis and Shelby County Office of Planning and Development

CITY HALL 125 NORTH MAIN STREET-SUITE 468 MEMPHIS, TENNESSEE 38103-2084 (901) 576-6601

## APPLICATION FOR PLANNED DEVELOPMENT APPROVAL (OUTLINE PLAN APPROVAL/OUTLINE PLAN AMENDMENT)

Date: August 5, 2021

Case #: \_\_\_\_\_

PLEASE TYPE OR PRINT

Name of Development: Murphy Maude Manor

Property Owner of Record: Ken Robison Phone #: 901-488-8100

Mailing Address: 1325 Lamar Avenue City/State: Memphis, TN Zip 38104

Property Owner E-Mail Address: kenrobison@bellsouth.net

Applicant: Leslie Murphy Phone # 901-848-6402

Mailing Address: 94 Cumberland Street City/State: Memphis, TN Zip 38112

Applicant E- Mail Address: leslie@murphymaudeinteriors.com

Representative: Kate Haywood Phone #: 901-268-1718

Mailing Address: 94 Cumberland Street City/State: Memphis, TN Zip 38112

Representative E-Mail Address: kate@murphymaudeinteriors.com

Engineer/Surveyor: SR Consulting Phone # 901-373-0380

Mailing Address: 5909 Shelby Oaks Dr #200 City/State: Memphis, TN Zip 38134

Engineer/Surveyor E-Mail Address: melissa.johnson@srce-memphis.com

Street Address Location: 1325 Lamar Avenue Memphis, TN 38104

Distance to nearest intersecting street: The subject property is bounded by Lamar Avenue on the north, W Snowden Circle on the west, E Snowden Circle on the east, and Angeles Place on the south.

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	<u>7.176</u>	_____	_____
Existing Zoning:	<u>RU-4</u>	_____	_____
Existing Use of Property	<u>Residence/Special Events</u>	_____	_____
Requested Use of Property	<u>Indoor/Outdoor Recreation</u>	_____	_____
	<u>Office, Retail,</u>		
	<u>Bed+Breakfast</u>		

Medical Overlay District: Per Section 8.2.2D of the UDC, no Planned Developments are permitted in the Medical Overlay District.

Unincorporated Areas: For residential projects in unincorporated Shelby County, please provide the following information:

Number of Residential Units: \_\_\_\_\_ Bedrooms: \_\_\_\_\_

Expected Appraised Value per Unit: \_\_\_\_\_ or Total Project: \_\_\_\_\_

**Amendment(s):** Is the applicant applying for an amendment to an existing Planned Development?

Yes \_\_\_\_\_ No <sup>x</sup> \_\_\_\_\_

The following modifications to existing planned developments are considered amendments: 1) a change to the permitted uses in a planned development, except in situations where a use of a higher classification is proposed to be changed to a use of a lower classification; 2) a modification to conditions that phases the uses, and 3) a conversion of public streets. See Section 9.6.11E(1) of the UDC for further details.

#### **4.10.3 Planned Development General Provisions**

The governing bodies may grant a special use permit for a planned development which modifies the applicable district regulations and other regulations of this development code upon written findings and recommendations to the Land Use Control Board and the Planning Director which shall be forwarded pursuant to provisions contained in section 4.10.3:

Please address each sub-section below (Provide additional information on a separate sheet of paper if needed).

- The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.

The proposed use of Annesdale will not detract from or hinder use or development of the surrounding properties. With the special events portion of the business proposed to offset maintenance costs of the home, plans are underway to minimize noise transfer.

- An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development.

The current water supply, waste water, and storm water infrastructure are existing and will remain as-is to support the use of the home.

- The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses... (see UDC sub-section 4.10.3C)

The service facilities are compatible with the surrounding land uses and will remain as-is. Improvements were previously made in replacing a chain-link fence with an iron fence around the home along with the addition of pedestrian entries from W and E Snowden Cir.

- Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest.

We feel that the public interest is at the forefront with continuing the stewardship of the historic home and are committed to being a neighborhood partner.

- Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements.

The home will be wholly owned by Leslie Murphy who will maintain the grounds in entirety.

- Lots of records are created with the recording of a planned development final plan.

Acknowledged.

**REQUIREMENTS PRIOR TO APPLICATION SUBMISSION**

**PRE-APPLICATION CONFERENCE** - Not more than six (6) months nor less than five (5) working days prior to filing an application, the applicant shall arrange for a mandatory pre-application conference with OPD.

Pre-Application Conference held on: July 29, 2021 with Chip Saliba

**NEIGHBORHOOD MEETING** – At least ten (10) days, but not more than 120 days, prior to a hearing before the Land Use Control Board, the applicant shall provide an opportunity to discuss the proposal with representatives from neighborhoods adjacent to the development site (Section 9.3.2).

Neighborhood Meeting Requirement Met: Yes or **Not Yet** (Circle one)  
(If yes, documentation must be included with application materials)

**SIGN POSTING** – A sign or signs shall be erected on-site no more than 30 days or less than 10 days prior to the date of the Land Use Control Board hearing. See Sub-Section 9.3.4C of the UDC for further details on sign posting.

I (we) hereby make application for the Planned Development described above and on the accompanying materials. I (we) accept responsibility for any errors or omissions which may result in the postponement of the application being reviewed by the Memphis & Shelby County Land Use Control Board at the next available hearing date. I (We), owner(s) of the above described property hereby authorize the filing of this application and the above named persons to act on my behalf.

Authentisign <i>Ken Robison</i>	08/05/2021	<i>Zeebin Murphy</i>	8/3/2021
Property Owner of Record	Date	Applicant	Date

**GUIDE FOR SUBMITTING  
PLANNED DEVELOPMENT APPLICATION  
(OUTLINE PLAN APPROVAL/OUTLINE PLAN AMENDMENT)**

**A. THE APPLICATION** - Two (2) collated sets of this application in accordance with the requirements of the Unified Development Code and as outlined below shall be submitted to OPD. The following information is required to be submitted for consideration as a complete application, and except for copies of the Outline and/or Site/Concept Plan, shall be provided on sheets of 8.5"x11" in size. The application with original signatures shall be completed either with legible print or typewritten. Each application set shall be compiled in the following order:

- 1) This application, 8.5"x11" Outline and/or Site/Concept Plan, Legal Description, Vicinity Map, 2-3 sets of gummed-backed Mailing Labels, 2 sets of paper copied Mailing Labels, Letter of Intent, 20"x24" Outline and/or Site/Concept Plan (folded), copy of Deed(s).
- 2) A compact disc with all submittal documents in "PDF" and any proposed conditions in "WORD".

**B. LETTER OF INTENT** - The letter shall include the following:

- a) A brief narrative statement generally describing the nature, location and extent of the development and the market it is intended to serve.
- b) A list of any professional consultants associated with the proposed development.
- c) A written statement generally describing the relationship of the proposed development to the current policies and plans of the City and County. The statement shall include how the proposed

development is to be designed, arranged and operated in order to limit impact to neighboring properties.

- d) A description of the applicant's planning objectives, the approaches to be followed in achieving those objectives.

C. **OUTLINE PLAN**

1) Two (2) copies of an Outline Plan shall be submitted and drawn at a scale of not less 1"=100' for developments of less than 150 acres, 1"=200' for developments between 150 and 1,000 acres, and 1"=300' feet for developments in excess of 1,000 acres. If property is encumbered by easements, show type and location on plot plan.

2) Two (2) copies of legal description shall be attached to plot plan if not shown or described on the plan

- D. **SITE/CONCEPT PLAN** – Two (2) copies of the site/concept plan shall be submitted and depict the following: (a) property boundary lines and dimensions, existing utilities and easements, roadways, rail lines and public rights-of-way, crossing adjacent to the subject property; (b) the proposed height, dimensions and arrangements of buildings on the property; (c) the type and location of proposed landscaping; (d) the location of points of ingress/egress (driveways), parking lots and loading areas on the site; and (e) any proposed substantial re-grading of the site and any significant topographical or physical features of the site including water courses or ponds. Site/Concept plans shall be drawn at a scale of not less 1"=100' for developments of less than 150 acres, 1"=200' for developments between 150 and 1,000 acres, and 1"=300' feet for developments in excess of 1,000 acres.

- E. **ELEVATIONS** – Two (2) copies of building elevations *may* be required upon request by the Office of Planning and Development. Factors that will be taken into consideration by the Office of Planning and Development in its determination that building elevations are required are surrounding land uses, frontage requirements and proximity of the requested building(s) to the public right-of-way.

F. **VICINITY MAP**

Two (2) copies showing the subject property (boldly outlined) and all parcels within a 500' radius. If the 500' radius includes less than 25 property owners, the radius shall be extended at 100' intervals to reach a minimum of 25 property owners provided, however, that the maximum total radius is 1,500'. Show for each parcel its dimensions, owner's name (on the vicinity map unless prior approval is given to do otherwise) and the public streets, alleys or private drives that it abuts. In situations where the parcels on the map are so small that the property owner's names are unable to fit and numbered legend is used, every effort should be made to place the legend on the map itself and not a separate sheet.

G. **LIST OF NAMES AND ADDRESSES**

1) Two (2) complete lists of names and mailing addresses, including zip codes, of all owners shown on the vicinity map, typewritten on 1"x 2<sup>5/8</sup>" self-adhesive mailing labels and 2 paper sets. Three (3) sets of gummed back mailing labels and paper copies are needed for subject properties located in Shelby County but within five (5) miles of the Memphis City limits.

2) Two (2) self-adhesive mailing labels (1"x 2<sup>5/8</sup>") each for the owner of record, applicant, representative and/or engineer/surveyor.

H. **FILING FEES** (*All Fees Are Subject To Change without Prior Notice*)

1) Planned Development: 5.0 Acres or less=\$1,500. Each additional acre or fraction thereof =\$100, Maximum =\$10,000. Make check payable to "M/SC Office of Planning and Development"

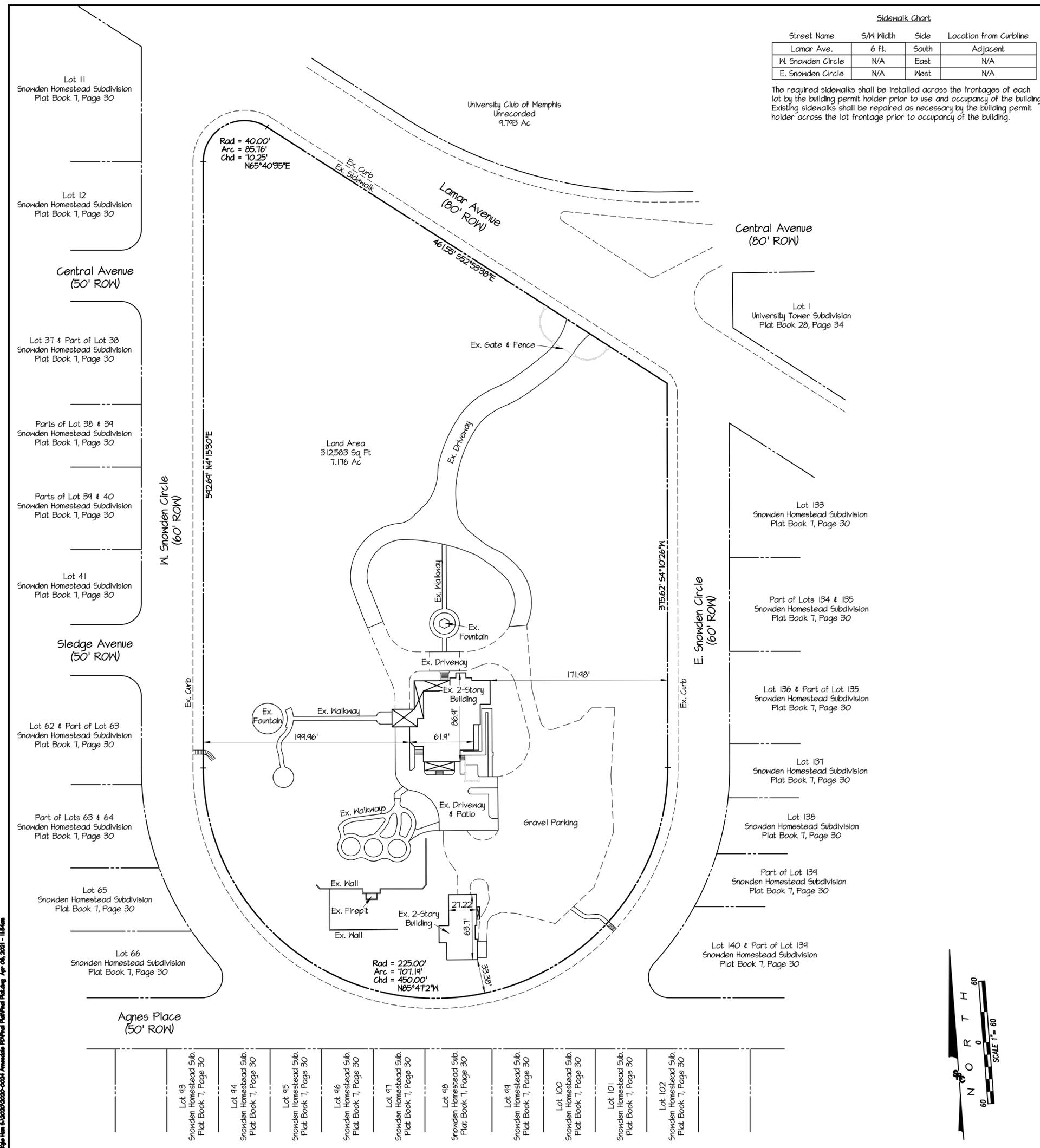
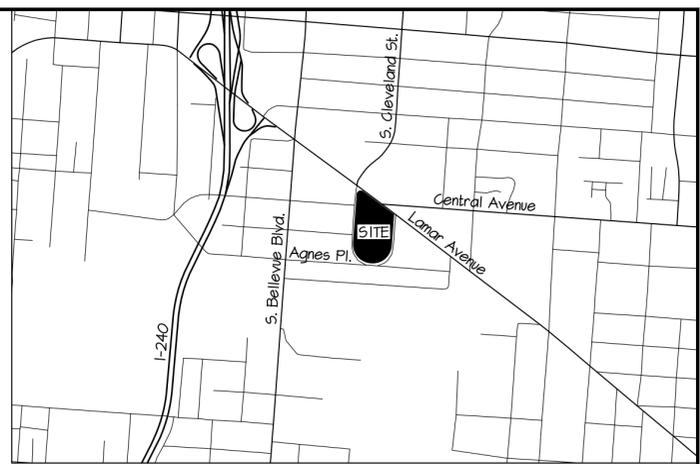
**\*ALL APPLICATIONS MUST BE SUBMITTED IN PERSON AND THE SUBMITTER MUST RECEIVE A RECEIPT OF ACCEPTANCE FROM STAFF**

File No. 910201000-0004, Annesdale Event PD Plat, Eng. Apr. 08, 2021 - 11:54am

Sidewalk Chart

Street Name	S/W Width	Side	Location from Curbline
Lamar Ave.	6 ft.	South	Adjacent
W. Snowden Circle	N/A	East	N/A
E. Snowden Circle	N/A	West	N/A

The required sidewalks shall be installed across the frontages of each lot by the building permit holder prior to use and occupancy of the building. Existing sidewalks shall be repaired as necessary by the building permit holder across the lot frontage prior to occupancy of the building.

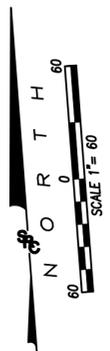


Please be advised that a building permit issued by the Memphis/Shelby County Office of Construction Code Enforcement does not allow for alterations and/or improvements to any Right-Of-Way (ROW) maintained by the City of Memphis. Alterations and/or improvements to City of Memphis ROW include but are not limited to work performed on sidewalks, curb and gutter, driveway aprons and utility tie-ins. ROW permits must be obtained from the Memphis City Engineer's Office at ph. 516-6100.

- Notes:
- The City of Memphis shall have Ingress/Egress rights to use private drives and yards for the purpose of maintaining all public sewer lines and shall bear no responsibility for the maintenance of said private drives and yards.
  - No trees, shrubs, permanent structures or other utilities (except for crossings) will be allowed within sanitary sewer easements. No other utilities or services may occupy sanitary sewer easements in private drives and yards except for crossings.

**100 YEAR FLOOD**  
THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA PER FLOOD INSURANCE RATE MAP, MAP NO. 41151C 0210 F, COMMUNITY PANEL NO. 47011T 0210 F, EFFECTIVE DATE: SEPTEMBER 28, 2007. NEAREST BFE: 232.00

**BENCHMARK**  
CITY OF MEMPHIS BENCHMARK NO. 1042 - LAMAR AVE. & CENTRAL AVE. CITY MONUMENT IS LOCATED ON THE NORTHWEST CORNER, IN SIDEWALK AT MIDPOINT, 4" X 4" CONC. POST WITH BRASSCAP/NIPPLE. ELEVATION 242.66 (NAVD '88 DATUM)



PD 12-314

**FINAL PLAT**  
**ANNESDALE EVENTS PD**

DEVELOPER: **KEN ROBISON**  
1 LOT **7.176 ACRES**  
**WARD 15, BLOCK 10, PARCEL 1**

**SR CONSULTING, LLC** ENGINEERING - PLANNING  
5909 Shelby Oaks Drive Suite 200 Memphis TN 38134  
901-373-0380 (fax) 373-0370  
www.SRCE-memphis.com

MEMPHIS, TENNESSEE  
APRIL 2021  
SHEET 1 of 2

Outline Plan Conditions  
Annesdale Events Planned Development  
P.D. 12-314

- I. Permitted Uses – Uses permitted by right in the RU-4 District with the following additional uses permitted:
  1. Office including Interior Design Business and the like.
  2. Retail including Interior Design Showroom and the like.
  3. Bed and Breakfast
  4. Indoor and Outdoor Recreation uses specifically including
    - a. Special Events such as art gallery showings/openings, community-based events and meetings, corporate retreats, weddings, and receptions
    - b. Other Special Events

All event activities shall not commence prior to 8 a.m. and shall conclude by 10:00 p.m. Sunday through Thursday, (guests shall be off the premises by 11:00 p.m. and staff shall be off premises by 12:00 a.m.).

All event activities shall not commence prior to 8 a.m. and shall conclude by 11:00 p.m. Friday and Saturday (entertainment shall conclude by 11:00 p.m., guests shall be off premises by 12:00 a.m. and the staff shall be off the premises by 1:00 a.m.).

- II. Bulk Regulations
  - A. Building Setbacks shall be in accordance with the RU-4 District Regulation except for the following: Setback for any tent or temporary structure shall not be located closer than 60 feet to Snowden Circle East, West or Agnes Place.
  - B. The maximum occupancy within the existing house structure shall be 250.
- III. Circulation, Access and Parking
  - A. A maximum of two pedestrian entrances on Snowden Circle shall be provided as generally depicted on the Outline Plan. The pedestrian access on Snowden Circle West shall be located opposite the right-of-way for Sledge Avenue. The pedestrian

entrance on Snowden Circle East shall be located opposite Lot Number 134 of the Snowden Homestead Subdivision.

- B. The pedestrian entrances shall be designed in the field to minimize the removal of mature trees.
- C. The pedestrian entrances shall be gated.
- D. A minimum of three security guards for any event requiring off-site parking shall be provided with guards at the pedestrian entrances, and a guard at the front entrance on Lamar Avenue. A security guard shall also be posted at the service entrance.
- E. A minimum of 65 guest parking spaces shall be provided on-site in the areas as generally shown on the Outline Plan.
- F. On-street parking is permitted in conformance with the Unified Development Code. No valet parking shall be permitted on Snowden Circle/Agnes Place as generally located shown on the Outline Plan.
- G. The existing 5 foot chain-link fence surrounding the site shall be removed by November 1, 2014.

#### IV. Landscaping

Other than the pedestrian access points drive the existing landscaping will generally be maintained as depicted on the Outline Plan.

- V. Signs – Signage shall be in accordance with the RU-4 District regulations.
- VI. The Land Use Control Board may modify the bulk, access, parking, landscaping, loading, screening, signage, and other site requirements if equivalent alternatives are presented: provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may, within ten (10) days of such action file a written appeal to the director of the Office of Planning and Development, to have such action reviewed by the Appropriate Governing Bodies.

- VII. A final plan shall be filed within five (5) years of the approval of the general plan. The Land Use Control Board may grant extensions at the request of the applicant.
  
- VIII. Any final plan is subject to the administrative approval of the Office of Planning and Development and shall include the following:
  - A. The Outline Plan conditions.
  - B. The location and dimensions, including height of all buildings or buildable areas, pedestrian and utility easements, service drives, parking areas, trash receptacles, loading facilities, and required landscaping and screening areas.
  - C. The location and ownership, whether public or private of any easement.
  - D. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

SAHA SUNISHA D & ANAND  
1309 GOODBAR AVE #  
MEMPHIS TN 38104

ALFUNOON INC  
9913 GREENALDER CV #  
CORDOVA TN 38016

FLETCHER CHRISTOPHER C & ELLEN D  
1297 AGNES PL #  
MEMPHIS TN 38104

OPPENHEIMER EMILY  
1319 GOODBAR AVE #  
MEMPHIS TN 38104

MOORE LARRY  
1263 SLEDGE AVE #  
MEMPHIS TN 38104

ROBERTSON KENNETH  
1317 AGNES PL #  
MEMPHIS TN 38104

SITTRANONT SORRASIT & NUNNARAT  
1265 LAMAR AVE #  
MEMPHIS TN 38104

AKIN PAUL N JR & MOLLY M  
1273 SLEDGE AVE #  
MEMPHIS TN 38104

PRUDHOMME TIMOTHY T & LORI A  
1365 AGNES PL #  
MEMPHIS TN 38104

HEADLEY CAROL M REVOCABLE LIVING TRUST  
1274 CENTRAL AVE #  
MEMPHIS TN 38104

FARIS NICHOLAS & JESSE  
1279 SLEDGE AVE #  
MEMPHIS TN 38104

CROSS CARL & YLANDRA  
1385 AGNES PL #  
MEMPHIS TN 38104

HOYT SEAN C  
1278 CENTRAL AVE #  
MEMPHIS TN 38104

BANKS TONY C AND LESLIE BANKS  
789 W SNOWDEN CIR #  
MEMPHIS TN 38104

TIBBS BERNARD A & RONITRICE N DILLARD-  
1395 AGNES PL #  
MEMPHIS TN 38104

ROBISON KEN  
1325 LAMAR AVE #  
MEMPHIS TN 38104

GLASGOW MICHELE M AND VICKI STEVENS (RS)  
1272 AGNES PL #  
MEMPHIS TN 38104

MEMPHIS PROPERTY SOLUTIONS LLC  
3845 WATMAN AVE #  
MEMPHIS TN 38118

TANGLEWOOD CHURCH OF CHRIST (TRS)  
725 SNOWDEN CL #  
MEMPHIS TN 38104

REPP LINDSAY J  
1278 AGNES PL #  
MEMPHIS TN 38104

LUSK DAVID A & CARISSA N HUSSONG  
1293 CENTRAL AVE #  
MEMPHIS TN 38104

JOHNSON BEATRICE  
1275 CENTRAL AVE #  
MEMPHIS TN 38104

SEELEY CHRISTOPHER N & CHERISA  
1394 AGNES PL #  
MEMPHIS TN 38104

BAUMAN S RICHARD REVOCABLE TRUST  
6551 ESPALIER COR #  
MEMPHIS TN 38119

GRISHAM ROBERT & AMANDA  
1268 SLEDGE AVE #  
MEMPHIS TN 38104

CURTIS JOHN  
1910 MADISON AVE #  
MEMPHIS TN 38104

WOBST NATALIA M  
1315 GOODBAR AVE #  
MEMPHIS TN 38104

LIPINISKI MARTIN E & LINDA F  
774 E SNOWDEN CIR #  
MEMPHIS TN 38104

DAVIS MICHAEL S & BETTINA  
1398 AGNES PL #  
MEMPHIS TN 38104

DEVMAR PARTNERS LLC  
2005 STRADELLA RD #  
LOS ANGELES CA 90077

UNIVERSITY CLUB OF MEMPHIS  
1346 CENTRAL AVE #  
MEMPHIS TN 38104

SAWYER ROBERT A & REBECCA M  
1250 CENTRAL AVE #  
MEMPHIS TN 38104

EARLY DAVID S  
1988 NELSON AVE #  
MEMPHIS TN 38104

CALDWELL INVESTMENT SERVICES TRUST  
9005 GANDY CV #  
MEMPHIS TN 38133

BARNHART SANDRA N  
1260 CENTRAL AVE #  
MEMPHIS TN 38104

GOZA ANGELA  
1264 SLEDGE AVE #  
MEMPHIS TN 38104

PORTER REAL ESTATE INVESTMENTS LLC  
1275 LAMAR AVE #  
MEMPHIS TN 38104

HEADLEY CAROL M REVOCABLE LIVING TRUST  
1274 CENTRAL AVE #  
MEMPHIS TN 38104

JONES WILLIAM J & MARY M  
1274 SLEDGE AVE #  
MEMPHIS TN 38104

SIMS LARRY D SR & KIM G  
1279 LAMAR AVE #  
MEMPHIS TN 38104

MEGGERS JOHN M AND KRISTINE M MEGGERS  
1257 CENTRAL AVE #  
MEMPHIS TN 38104

HALEY STEPHEN W & SYLVIA D BELL  
1278 SLEDGE AVE #  
MEMPHIS TN 38104

CITY OF MEMPHIS  
GENERAL DELIVERY #  
MEMPHIS TN 38101

CK PROPERTIES LLC  
2109 PEABODY AVE #  
MEMPHIS TN 38104

GIBSON JOHN W & JUDY S  
757 W SNOWDEN CIR #  
MEMPHIS TN 38104

SIMS LARRY D AND KIM G SIMS  
1283 LAMAR #  
MEMPHIS TN 38104

WINTER HENRY D & JOANN E  
1267 CENTRAL AVE #  
MEMPHIS TN 38104

VENUE APARTMENTS LLC  
1387 CENTRAL AVE #  
MEMPHIS TN 38104

TANGLEWOOD CHURCH OF CHRIST (TRS)  
725 W SNOWDEN CIR #  
MEMPHIS TN 38104

RANDOLPH SANDRA B  
1273 CENTRAL AVE #  
MEMPHIS TN 38104

ROBINSON SEAN K AND MICHAEL J HUGHES  
763 W SNOWDEN CIR #  
MEMPHIS TN 38104

CLUB GARDENS LLC  
1654 HARBERT AVE #  
MEMPHIS TN 38104

MONTOYA JUAN C  
8160 SHALLOW GLEN TRL #  
CORDOVA TN 38016

LIPINSKI MARTIN E & LINDA F  
774 E SNOWDEN CIR #  
MEMPHIS TN 38104

UNIVERSITY CLUB OF MEMPHIS  
1346 CENTRAL AVE #  
MEMPHIS TN 38104

RALSTON BRUCE A & SARA T  
749 SNOWDEN CIR #  
MEMPHIS TN 38104

SKYLES MICHAEL W & SANDRA S  
1265 SLEDGE AVE #  
MEMPHIS TN 38104

TANGLEWOOD CHURCH OF CHRIST (TRS)  
725 SNOWDEN CL #  
MEMPHIS TN 38104

BISHOP EMILY D & STEPHEN R  
1254 SLEDGE AVE #  
MEMPHIS TN 38104

CAMPBELL DAVID N & ALLYSON S  
1267 SLEDGE AVE #  
MEMPHIS TN 38104

PERKINS RICHARD B AND LORA J ROWE  
773 W SNOWDEN CIR #  
MEMPHIS TN 38104

LYNCH-HOLMES KATHERINE & SHANNON HOLMES  
1268 AGNES PL #  
MEMPHIS TN 38104

SIMMONS HALEY A & JACQUELINE O  
1273 AGNES PL #  
MEMPHIS TN 38104

BREATH OF LIFE SEVENTH DAY ADVENTIST CHU  
1385 LAMAR AVE #  
MEMPHIS TN 38104

ROBERTSON TINNIE L AND PATRICIA  
212 PALMER CV #  
HERNENDO MS 38632

KNISLEY BRANDON & JENNIFER  
1277 AGNES PL #  
MEMPHIS TN 38104

LIPINSKI MARTIN E & LINDA C  
774 SNOWDEN CL #  
MEMPHIS TN 38104

TODD GEORGE M & REBECCA G  
790 E SNOWDEN CIR #  
MEMPHIS TN 38104

GATES JOYCELYN D  
1281 AGNES PL #  
MEMPHIS TN 38104

BREATH OF LIFE SEVENTH DAY ADVENTIST CHU  
1385 LAMAR AVE #  
MEMPHIS TN 38104

KEARNEY SHAY M  
1372 AGNES PL #  
MEMPHIS TN 38104

PAYNE NIKKI J  
1287 AGNES PL #  
MEMPHIS TN 38104

SCHUERMAN JOHN  
4705 TOPEKA CT #  
DENVER CO 80239

COX RACHEL H  
1378 AGNES PL #  
MEMPHIS TN 38104

KRUEGER KEITH A & VERNON S FRYE  
1291 AGNES PL #  
MEMPHIS TN 38104

WIPF ESTHER M  
780 E SNOWDEN CIR #  
MEMPHIS TN 38104

HOLTON PEG A  
1382 AGNES PL #  
MEMPHIS TN 38104

COTHERN BRANDON  
1301 AGNES PL #  
MEMPHIS TN 38104

HAILE TSEGAYE  
1407 LAMAR AVE #  
MEMPHIS TN 38104

JACKSON CHRIS K AND ANGELA L PETTY (RS)  
1388 AGNES PL #  
MEMPHIS TN 38104

DAVIS MARTHA A  
1307 AGNES PL #  
MEMPHIS TN 38104

CHURCH OF THE FULL GOSPEL ETAL  
1252 AGNES PL #  
MEMPHIS TN 38104

CARROLL JOHN R  
800 E SNOWDEN CIR #  
MEMPHIS TN 38104

BISHOP STEPHEN R & EMILY D  
1973 EVELYN #  
MEMPHIS TN 38104

LOWE WILLIE C LIVING TRUST  
1258 AGNES PL #  
MEMPHIS TN 38104

GORDON ROBERT  
1594 HARBERT AVE #  
MEMPHIS TN 38104

GIBBS CAROL V  
1323 AGNES PL #  
MEMPHIS TN 38104

PERRY WILLIAM J JR & JEANNE L  
1262 AGNES PL #  
MEMPHIS TN 38104

JACKO GALE  
1269 AGNES PL #  
MEMPHIS TN 38104

PIERSON REGINA  
1769 1ST GREEN DR #  
MEMPHIS TN 38116

LASTRA JENNIFER L & ROBERT KELZ  
1335 AGNES PL #  
MEMPHIS TN 38104

SHERRILL EARL  
1301 HEISTAN PL #  
MEMPHIS TN 38104

SPIRIT MASTER FUNDING X LLC  
6300 S SYRACUSE WAY #205  
CENTENNIAL CO 80111

FLEURANTIN DAVID  
1339 AGNES PL #  
MEMPHIS TN 38104

NEW WAY AQUAPONIC FARMS LLC  
461 TENNESSEE ST #  
MEMPHIS TN 38103

BUFORD DEVIN  
649 FLORIDA ST #305  
MEMPHIS TN 38103

WASSON WALETHA  
1345 AGNES PL #  
MEMPHIS TN 38104

NEW WAY AQUAPONIC FARMS LLC  
461 TENNESSEE ST #  
MEMPHIS TN 38103

FUHRMANN MARIA K & KEITH A  
1349 AGNES PL #  
MEMPHIS TN 38104

THREE D ENTERPRISES LLC  
1431 HEISTAN PL #  
MEMPHIS TN 38104

MILLS RONALD H & CONNIE R  
4074 PIKES PEAK AVE #  
MEMPHIS TN 38104

TERRY CLYDE  
8443 FREIDEN TRL #  
MEMPHIS TN 38125

SEATON SAMUEL A JR & BEVERLY  
1359 AGNES PL #  
MEMPHIS TN 38104

OPPENHEIMER EMILY  
1319 GOODBAR AVE #  
MEMPHIS TN 38104

GIENAPP ANDREW J & REBEKAH J  
1369 AGNES PL #  
MEMPHIS TN 38104

CLUB GARDENS LLC  
1654 HARBERT AVE #  
MEMPHIS TN 38104

BATES RICKEY & TIMOTHY R COMBS  
1375 AGNES PL #  
MEMPHIS TN 38104

CLUB GARDENS LLC  
1654 HARBERT AVE #  
MEMPHIS TN 38104

LOPEZ JOSE J & SARA C NELSON  
1379 AGNES PL #  
MEMPHIS TN 38104

CLUB GARDENS LLC  
1654 HARBERT AVE #  
MEMPHIS TN 38104

KUNA INVESTMENTS LLC  
716 PROUD EAGLE LN #  
LAS VEGAS NV 89144

WMMC CONSTRUCTION LLC  
648 RIVERSIDE DR #302  
MEMPHIS TN 38103

**AVERY**

5260

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Use Avery Template 5160

Ken Robison  
1325 Lamar Avenue  
Memphis, Tennessee 38104

Murphy Maude Interiors  
Attn: Leslie Murphy  
94 Cumberland Street  
Memphis, Tennessee 38112

SR Consulting  
Attn: Melissa Johnson  
5909 Shelby Oaks Drive #200  
Memphis, Tennessee 38134

Pat: [avery.com/patents](http://avery.com/patents)

Étiquettes d'adresse Easy Peel®  
Repliez à la hachure afin de révéler le rebord Pop-up®

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Utilisez le Gabarit Avery 5160



CITY OF MEMPHIS

DEPARTMENT OF PLANNING AND DEVELOPMENT

RE: LAND USE CONTROL BOARD: **PLANNED DEVELOPMENT** APPLICATION

**LETTER OF INTENT: MURPHY MAUDE MANOR**

August 5, 2021

To Whom It May Concern:

Please consider this a request to begin the Planned Development process for the property located at 1325 Lamar Avenue in Memphis, Tennessee 38104 (parcel number is 015010 00001). The property is approximately 7 acres and the Annesdale Mansion is located on the site which is currently zoned RU-4. The property is under contract for purchase by Leslie Murphy, owner and creative director of Murphy Maude Interiors (MMI). The desired use of the property is to locate the offices of Murphy Maude Interiors along with associated showroom retail space within the home with the ability to continue the events portion of the business that has been underway on the property for the past 8 years. A potential future use of a Bed and Breakfast is also proposed. The home would be core to MMI's clientele who are designers, home owners, and custom home builders who appreciate fine architecture and custom textiles.

The involved professional consultants are the current owner's previous and ongoing work with Cindy Reaves with SR Consulting, LLC, Lamar Gibson with Miestro (working through music and acoustic concerns brought to our attention by neighborhood captains), and Kate Haywood, architect with Murphy Maude Interiors.

Memphis 3.0 future land use plan identifies this property as a Park/Recreational Facility, and the current RU-4 zoning would allow for single to multi-family development of the property. We understand that it is the desire of the neighborhood to preserve the home and grounds and to serve within uses that would complement the ability to maintain the property for generations to come. Opposed to removing the historic home and building apartment buildings, it is our desire to be a steward of the home made possible by the income generated from hosting weddings and other curated events that support the arts community. This would all be in support of the ability to locate Murphy Maude Interiors in the home. We desire to be a partner with the neighborhood and city to preserve this example of 1850's Italian Villa architecture and are committed to ensuring that our presence

is a positive addition. In support of this, we have collaborated with several neighbors to understand current pain points and are currently working with a local acoustical engineer on strategies to mitigate these issues that are currently experienced when events take place on the property.

There was a previous Planned Development on the property that expired due to not filing the final plat which included removing a chain link fence around the property and installing an iron fence pushed further from the street, along with adding 2 pedestrian access points from the surrounding streets; these items were resolved and are in place. There are not any additional planned modifications as it is our intent to preserve the home and grounds.

We are grateful for the collaboration with the Department of Planning and Development thus far. Chip has been instrumental in assisting our team to understand all components to the PD process and provided us with community contacts who have been gracious with their time discussing previous/current pain points to allow us to be the best future neighbors we can. We are also grateful to Memphis Heritage for their assistance on understanding how to best be a steward of the home in the future and for working to provide historical photographs for reference on original aspects of the home.

The current owner of the property, Ken Robison, restored Annesdale over the last decade elevating the home back into a beautiful example of historic architecture, and we would be grateful to provide leadership in carrying the home into its next century of existence.

Much appreciated,

A handwritten signature in black ink, appearing to read 'KH' followed by a stylized flourish.

Kate Haywood, Representative in the above referenced application  
Director of Interior Architecture  
Murphy Maude Interiors



*Tom Leatherwood*  
Shelby County Register

As evidenced by the instrument number shown below, this document  
has been recorded as a permanent record in the archives of the  
Office of the Shelby County Register.

11053305

06/03/2011 - 09:24 AM

<hr/>	
8 PGS	
<hr/>	
MAX HAYES	846869 - 11053305
<hr/>	
VALUE	550000.00
<hr/>	
MORTGAGE TAX	0.00
<hr/>	
TRANSFER TAX	2035.00
<hr/>	
RECORDING FEE	40.00
<hr/>	
DP FEE	2.00
<hr/>	
REGISTER'S FEE	1.00
<hr/>	
WALK THRU FEE	0.00
<hr/>	
TOTAL AMOUNT	2078.00
<hr/>	

**TOM LEATHERWOOD**

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

## SPECIAL WARRANTY DEED

**THIS INDENTURE**, is made and entered into on this 27<sup>th</sup> day of May, 2011, by and between **John Bayard Snowden, Trustee of the Robert G. Snowden Marital Trust No. 2, as established under the Last Will and Testament of Robert G. Snowden, Deceased, and Thomas Hardy Todd, III and SunTrust Bank, Co-Executors of the Estate of Thomas Hardy Todd, Jr., Deceased**, parties of the first part, and **Ken Robison**, an unmarried person, party of the second part,

**WITNESSETH:** That for and in consideration of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, the said parties of the first part has bargained and sold and does hereby bargain, sell, convey and confirm unto the said party of the second part the following described real estate, situated and being in the County of Shelby, State of Tennessee:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

Being the same property conveyed to Annie Brinkley Snowden by that certain Partition Deed of record in Book 466, Page 164 in the Register's Office of Shelby County, Tennessee. The said Annie Brinkley Snowden died on the 4<sup>th</sup> of day of May, 1923 leaving a Last Will and Testament that was probated at Cause No. 24549R.28 in the Probate Court of Shelby County, Tennessee. The said Annie Brinkley Snowden, through said Last Will and Testament, devised the aforescribed property to her son, J. Bayard Snowden. The said J. Bayard Snowden died on the 28<sup>th</sup> day of October, 1968 leaving a Last Will and Testament which was probated at Cause No. 91001 in the Probate Court of Shelby County, Tennessee. The said J. Bayard Snowden, through said Last Will and Testament, devised the aforescribed property to his son, Robert G. Snowden, and his daughter, May Snowden Todd.

The said Robert G. Snowden died on the 13<sup>th</sup> day of December 2006 leaving a Last Will and Testament which was probated at Cause No.2120 in the Probate Court of Shelby County, Tennessee. John Bayard Snowden, as Executor of the Estate of Robert G. Snowden, Deceased, quitclaimed the aforescribed property to John Bayard Snowden and Catherine F. Trahan Snowden, as Trustees of the Robert G. Snowden Marital Trust No. 2 established under said Last Will and Testament of Robert G. Snowden by that certain Quit Claim Deed of record at Instrument Number 10121219 in the said Register's Office. Under the provisions of Article IX of the said Last Will and Testament of Robert G.

Snowden, any Trustee of the Robert G. Snowden Marital Trust No. 2 then serving shall have the authority to bind said trust, and only one signature shall be required so that third parties may rely on the authority and signature of any Trustee in actions regarding said trust.

The said May Snowden Todd died on the 16<sup>th</sup> day of September, 2006, leaving a Last Will and Testament which was probated at Cause No. D-1565 in the Probate Court of Shelby County, Tennessee. The said May Snowden Todd, through said Last Will and Testament, devised the aforescribed property to her surviving husband, Thomas Hardy Todd, Jr. The said Thomas Hardy Todd, Jr. died on or about the 26<sup>th</sup> day of June, 2009, leaving a Last Will and Testament which is being probated at Cause No. D-7568 in the Probate Court of Shelby County, Tennessee. The said Thomas Hardy Todd, Jr., through said Last Will and Testament, directed that the aforescribed property be administered as part of his Estate subject to the control of the Co-Executors of his Estate, Thomas Hardy Todd, Jr. and SunTrust Bank, who were given full power under Article 6(d) of said Last Will and Testament to grant, bargain, sell and convey the aforescribed property at any time during the administration of his Estate, without the approval or joinder of any beneficiary and without the necessity of any person or entity to look to the application of any proceeds.

**TO HAVE AND TO HOLD** the aforesaid real estate, together with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining unto the said party of the second part, his heirs, successors and assigns in fee simple forever.

The said parties of the first part do hereby covenant with the said party of the second part that they are lawfully seized in fee of the aforescribed real estate; they have a good right to sell and convey the same; that the same is unencumbered, except as set forth in EXHIBIT "B," attached hereto and incorporated herein by reference; and that the title and quiet possession thereto they will warrant and forever defend against the lawful claims of all persons claiming by, through or under them but not further or otherwise.

The word "party" as used herein shall mean "parties" if more than one person or entity be referred to, and pronouns shall be construed according in their proper gender and number according to the context hereof.

The parties of the first part execute this instrument solely in their respective fiduciary capacities and all warranties and covenants are made only in such capacities and not in their individual personal or corporate capacities.

IN WITNESS WHEREOF, the undersigned have executed and delivered this Special Warranty Deed the day and year first written above.

John Bayard Snowden, Trustee  
John Bayard Snowden, as Trustee  
of the Robert G. Snowden Martial Trust No. 2

Thomas Hardy Todd III  
Thomas Hardy Todd, III, as Co-Executor of the Estate  
of Thomas Hardy Todd, Jr., Deceased

SunTrust Bank, as Co-Executor of the Estate  
of Thomas Hardy Todd, Jr., Deceased

BY: Matthew G. Buyer  
Matthew G. Buyer, First Vice President

\*\*\*\*\*

STATE OF TENNESSEE  
COUNTY OF SHELBY

On this 27<sup>th</sup> day of May, 2011, before me personally appeared **John Bayard Snowden, Trustee** of the said Robert G. Snowden Martial Trust No. 2, known to me known to be the person (or proved to me on the basis of satisfactory evidence) described in and who executed the foregoing instrument, and who acknowledged the execution of the same to be his free act and deed in his capacity as said Co-Trustee

Witness my hand and official seal at office 27<sup>th</sup> day of May, 2011.

Charles C. Drennon III  
Notary Public

3-1-2014  
My Commission Expires



MY COMM. EXP. MARCH 1, 2014

STATE OF TENNESSEE  
COUNTY OF SHELBY

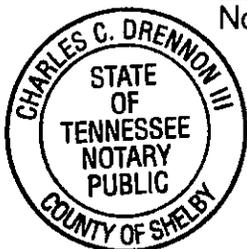
On this 27<sup>th</sup> day of May, 2011, before me personally appeared **Thomas Hardy Todd, III, as Co-Executor** of the said Estate of Thomas Hardy Todd, Jr., Deceased, known to me known to be the person (or proved to me on the basis of satisfactory evidence) described in and who executed the foregoing instrument, and who acknowledged the execution of the same to be his free act and deed in his capacity as said Co-Executor.

Witness my hand and official seal at office 27<sup>th</sup> day of May, 2011.

*[Handwritten Signature]*

Notary Public

3-1-2014  
My Commission Expires



MY COMM. EXP. MARCH 1, 2014

STATE OF TENNESSEE  
COUNTY OF SHELBY

Before me, the undersigned Notary Public, of the State and County aforesaid personally appeared **Matthew G. Buyer, as First Vice President of SunTrust Bank**, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself to be the First Vice President of SunTrust Bank, Co-Executor of the said Estate of Thomas Hardy, Jr., Deceased, the within named bargainor, a corporation, and that they as such Officer, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as such First Vice President in its capacity as Co-Executor.

WITNESS my hand and seal at office this the 27<sup>th</sup> day of May, 2011.

*[Handwritten Signature]*

Notary Public

My Commission expires: 3-1-2014



MY COMM. EXP. MARCH 1, 2014

**(FOR RECORDING PURPOSES)**

Property Address:  
1325 Lamar Avenue  
Memphis, TN

Property Owner:  
Ken Robison  
1325 Lamar Ave.  
Memphis, TN

Ward, Block & Parcel Number:  
015-010-00001

Mail tax bills to:  
~~Ken Robison~~ Commercial Bank & Trust  
~~1325 Lamar Ave.~~ 510 S. Mendenhall Road  
~~Memphis, TN~~ Memphis, TN 38117

This instrument prepared by:  
Charles C. Drennon, III, Atty.  
Harris Shelton Hanover Walsh, PLLC  
999 S. Shady Grove Rd. # 300  
Memphis, TN 38120

Return to:  
Hal C. Stanley, P.C.  
7515 Corporate Centre Dr.  
Germantown, TN 38138

20110205  
CTC 3498961

I, or we, hereby swear or affirm that to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater is \$550,000.00, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

*[Handwritten signature]*

\_\_\_\_\_  
Affiant

Subscribed and sworn to before me this the 1<sup>st</sup> day of ~~May~~ <sup>June</sup>, 2011.

*[Handwritten signature: Michelle C. Tompkins]*

\_\_\_\_\_  
Notary Public

My Commission Expires



My Commission Expires  
April 30, 2013

EXHIBIT "A"

The parcel shown as the "Mrs. Annie B. Snowden" property in Plat Book 6, Page 14 in the Register's Office of Shelby County, Tennessee, which property is municipally known as 1325 Lamar Boulevard, Memphis, Tennessee, and as may be more particularly described in Partition Deed of record in Book 466, Page 164 in the Register's Office of Shelby County, Tennessee (the "Partition Deed") as follows:

Beginning in the south line of Lamar Boulevard, an avenue now eighty (80) feet wide, at a point where said south line would be intersected by the east line of said Ragland twenty (20) acres (*as referenced in the Partition Deed*) if the same were extended northwardly to said south line of Lamar Boulevard; running thence southwardly along said prolongation of the east line of said Ragland twenty (20) acres to a point in the east line of a street sixty (60) feet wide now shown on the subdivision hereinbefore referred to (*as referenced in the Partition Deed*), where said line curves to the south east upon a radius of two hundred and twenty-five (225) feet; thence with said curve, upon a radius of two hundred and twenty-five (225) feet to a point opposite the point of divergence from said first named sixty (60) foot street, and ending for this call at a point in the west line of another street sixty (60) feet wide shown on said subdivision where said line merges into a straight line running north and south; and running thence from said last named point about due north along west line of said last named street to the south line of Lamar Boulevard; and from said last named point along the south line of Lamar Boulevard in a northwesterly direction to the point of beginning.

LESS and EXCEPT, to the extent applicable, the real property conveyed by Warranty Deeds of record in Book 466, Page 344 and in Book 431, Page 503.

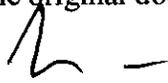
For purposes of clarification, the property being conveyed under this Special Warranty Deed is the property known as the Snowden Home Place or Annesdale and being bounded by Lamar Avenue on the north, Agnes Street on the south, and Snowden Circle on the east and west in the City of Memphis, Tennessee.

EXHIBIT "B"

1. 2011 City of Memphis real estate taxes which the party of the second part hereby assumes and agrees to pay;
2. 2011 County of Shelby real estate taxes which the party of the second part hereby assumes and agrees to pay;
3. Subdivision Restrictions, Building Lines and Easements as shown in Plat Book 6, Page 14 and Plat Book 7, Page 30, of record in the Register's Office of Shelby County, Tennessee.
4. Any matter which would be disclosed by a current, accurate survey of the property described herein.

CERTIFICATION OF AN ELECTRONIC DOCUMENT

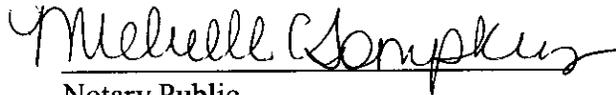
I, Timothy D. Rainey, do hereby make oath that I am a licensed attorney and/or custodian of the electronic version of the attached document tendered for registration herewith and that this is a true and correct copy of the original documented executed and authenticated according to law.



\_\_\_\_\_  
Timothy D. Rainey, Attorney

STATE OF TENNESSEE  
COUNTY OF SHELBY

Personally appeared before me on the 3rd day of June, 2011, the undersigned notary public for this county and state, Timothy D. Rainey, who acknowledges that this certification of an electronic document is true and correct and whose signature I have witnessed.



\_\_\_\_\_  
Notary Public

My Commission Expires \_\_\_\_\_  
My Commission Expires  
April 30, 2013

**NOTICE TO INTERESTED OWNERS OF PROPERTY  
(PLANNED DEVELOPMENT)**

You will take notice that a public hearing will be held by the City Council of the City of Memphis, Tennessee, meeting in session in the Council Chambers, First Floor, City Hall, 125 North Main Street, Memphis, Tennessee, 38103, on Tuesday, \_\_\_\_\_ at 3:30 P.M., in the matter of granting an application for a planned development pursuant to Article 9.6 of the Memphis and Shelby County Unified Development Code, as follows:

- CASE NUMBER:** PD 2021-30
- LOCATION:** 1325 Lamar Avenue
- COUNCIL DISTRICTS:** District 6 and Super District 8 – Positions 1, 2, and 3
- OWNER/APPLICANT:** Ken Robison / Leslie Murphy
- REPRESENTATIVE:** Kate Haywood
- EXISTING ZONING:** Residential Urban – 4 (RU-4) and Midtown Overlay District
- REQUEST:** To allow an office, retail, overnight accommodation, and indoor and outdoor events planned development
- AREA:** +/-7.176 acres

**RECOMMENDATIONS:**

Memphis and Shelby County Division of Planning and Development: *Approval with conditions*

Memphis and Shelby County Land Use Control Board: *Approval with conditions*

**NOW, THEREFORE,** you will take notice that on Tuesday, \_\_\_\_\_, at 3:30 P.M. the City Council of the City of Memphis, Tennessee will be in session at the City Hall, Council Chambers, 125 North Main Street, Memphis, Tennessee 38103 to hear remonstrance’s or protests against the making of such changes; such remonstrance’s or protests must be by personal appearances, or by attorneys, or by petition, and then and there you will be present if you wish to remonstrate or protest against the same.

This case will also be heard at the Planning and Zoning Committee on the same day with the specific time to be determined prior to the meeting date and posted on the City of Memphis’ website.

**THIS THE \_\_\_\_\_, \_\_\_\_\_**

**FRANK COLVETT JR.**  
***CHAIRMAN OF COUNCIL***

**ATTEST:**

**DYWUANA MORRIS**  
***CITY COMPTROLLER***

**TO BE PUBLISHED:**

---

SAHA SUNISHA D & ANAND  
1309 GOODBAR AVE #  
MEMPHIS TN 38104

ALFUNOON INC  
9913 GREENALDER CV #  
CORDOVA TN 38016

FLETCHER CHRISTOPHER C & ELLEN D  
1297 AGNES PL #  
MEMPHIS TN 38104

OPPENHEIMER EMILY  
1319 GOODBAR AVE #  
MEMPHIS TN 38104

MOORE LARRY  
1263 SLEDGE AVE #  
MEMPHIS TN 38104

ROBERTSON KENNETH  
1317 AGNES PL #  
MEMPHIS TN 38104

SITTRANONT SORRASIT & NUNNARAT  
1265 LAMAR AVE #  
MEMPHIS TN 38104

AKIN PAUL N JR & MOLLY M  
1273 SLEDGE AVE #  
MEMPHIS TN 38104

PRUDHOMME TIMOTHY T & LORI A  
1365 AGNES PL #  
MEMPHIS TN 38104

HEADLEY CAROL M REVOCABLE LIVING TRUST  
1274 CENTRAL AVE #  
MEMPHIS TN 38104

FARIS NICHOLAS & JESSE  
1279 SLEDGE AVE #  
MEMPHIS TN 38104

CROSS CARL & YLANDRA  
1385 AGNES PL #  
MEMPHIS TN 38104

HOYT SEAN C  
1278 CENTRAL AVE #  
MEMPHIS TN 38104

BANKS TONY C AND LESLIE BANKS  
789 W SNOWDEN CIR #  
MEMPHIS TN 38104

TIBBS BERNARD A & RONITRICE N DILLARD-  
1395 AGNES PL #  
MEMPHIS TN 38104

ROBISON KEN  
1325 LAMAR AVE #  
MEMPHIS TN 38104

GLASGOW MICHELE M AND VICKI STEVENS (RS)  
1272 AGNES PL #  
MEMPHIS TN 38104

MEMPHIS PROPERTY SOLUTIONS LLC  
3845 WATMAN AVE #  
MEMPHIS TN 38118

TANGLEWOOD CHURCH OF CHRIST (TRS)  
725 SNOWDEN CL #  
MEMPHIS TN 38104

REPP LINDSAY J  
1278 AGNES PL #  
MEMPHIS TN 38104

LUSK DAVID A & CARISSA N HUSSONG  
1293 CENTRAL AVE #  
MEMPHIS TN 38104

JOHNSON BEATRICE  
1275 CENTRAL AVE #  
MEMPHIS TN 38104

SEELEY CHRISTOPHER N & CHERISA  
1394 AGNES PL #  
MEMPHIS TN 38104

BAUMAN S RICHARD REVOCABLE TRUST  
6551 ESPALIER COR #  
MEMPHIS TN 38119

GRISHAM ROBERT & AMANDA  
1268 SLEDGE AVE #  
MEMPHIS TN 38104

CURTIS JOHN  
1910 MADISON AVE #  
MEMPHIS TN 38104

WOBST NATALIA M  
1315 GOODBAR AVE #  
MEMPHIS TN 38104

LIPINISKI MARTIN E & LINDA F  
774 E SNOWDEN CIR #  
MEMPHIS TN 38104

DAVIS MICHAEL S & BETTINA  
1398 AGNES PL #  
MEMPHIS TN 38104

DEVMAR PARTNERS LLC  
2005 STRADELLA RD #  
LOS ANGELES CA 90077

UNIVERSITY CLUB OF MEMPHIS  
1346 CENTRAL AVE #  
MEMPHIS TN 38104

SAWYER ROBERT A & REBECCA M  
1250 CENTRAL AVE #  
MEMPHIS TN 38104

EARLY DAVID S  
1988 NELSON AVE #  
MEMPHIS TN 38104

CALDWELL INVESTMENT SERVICES TRUST  
9005 GANDY CV #  
MEMPHIS TN 38133

BARNHART SANDRA N  
1260 CENTRAL AVE #  
MEMPHIS TN 38104

GOZA ANGELA  
1264 SLEDGE AVE #  
MEMPHIS TN 38104

PORTER REAL ESTATE INVESTMENTS LLC  
1275 LAMAR AVE #  
MEMPHIS TN 38104

HEADLEY CAROL M REVOCABLE LIVING TRUST  
1274 CENTRAL AVE #  
MEMPHIS TN 38104

JONES WILLIAM J & MARY M  
1274 SLEDGE AVE #  
MEMPHIS TN 38104

SIMS LARRY D SR & KIM G  
1279 LAMAR AVE #  
MEMPHIS TN 38104

MEGGERS JOHN M AND KRISTINE M MEGGERS  
1257 CENTRAL AVE #  
MEMPHIS TN 38104

HALEY STEPHEN W & SYLVIA D BELL  
1278 SLEDGE AVE #  
MEMPHIS TN 38104

CITY OF MEMPHIS  
GENERAL DELIVERY #  
MEMPHIS TN 38101

CK PROPERTIES LLC  
2109 PEABODY AVE #  
MEMPHIS TN 38104

GIBSON JOHN W & JUDY S  
757 W SNOWDEN CIR #  
MEMPHIS TN 38104

SIMS LARRY D AND KIM G SIMS  
1283 LAMAR #  
MEMPHIS TN 38104

WINTER HENRY D & JOANN E  
1267 CENTRAL AVE #  
MEMPHIS TN 38104

VENUE APARTMENTS LLC  
1387 CENTRAL AVE #  
MEMPHIS TN 38104

TANGLEWOOD CHURCH OF CHRIST (TRS)  
725 W SNOWDEN CIR #  
MEMPHIS TN 38104

RANDOLPH SANDRA B  
1273 CENTRAL AVE #  
MEMPHIS TN 38104

ROBINSON SEAN K AND MICHAEL J HUGHES  
763 W SNOWDEN CIR #  
MEMPHIS TN 38104

CLUB GARDENS LLC  
1654 HARBERT AVE #  
MEMPHIS TN 38104

MONTOYA JUAN C  
8160 SHALLOW GLEN TRL #  
CORDOVA TN 38016

LIPINSKI MARTIN E & LINDA F  
774 E SNOWDEN CIR #  
MEMPHIS TN 38104

UNIVERSITY CLUB OF MEMPHIS  
1346 CENTRAL AVE #  
MEMPHIS TN 38104

RALSTON BRUCE A & SARA T  
749 SNOWDEN CIR #  
MEMPHIS TN 38104

SKYLES MICHAEL W & SANDRA S  
1265 SLEDGE AVE #  
MEMPHIS TN 38104

TANGLEWOOD CHURCH OF CHRIST (TRS)  
725 SNOWDEN CL #  
MEMPHIS TN 38104

BISHOP EMILY D & STEPHEN R  
1254 SLEDGE AVE #  
MEMPHIS TN 38104

CAMPBELL DAVID N & ALLYSON S  
1267 SLEDGE AVE #  
MEMPHIS TN 38104

PERKINS RICHARD B AND LORA J ROWE  
773 W SNOWDEN CIR #  
MEMPHIS TN 38104

LYNCH-HOLMES KATHERINE & SHANNON HOLMES  
1268 AGNES PL #  
MEMPHIS TN 38104

SIMMONS HALEY A & JACQUELINE O  
1273 AGNES PL #  
MEMPHIS TN 38104

BREATH OF LIFE SEVENTH DAY ADVENTIST CHU  
1385 LAMAR AVE #  
MEMPHIS TN 38104

ROBERTSON TINNIE L AND PATRICIA  
212 PALMER CV #  
HERNENDO MS 38632

KNISLEY BRANDON & JENNIFER  
1277 AGNES PL #  
MEMPHIS TN 38104

LIPINSKI MARTIN E & LINDA C  
774 SNOWDEN CL #  
MEMPHIS TN 38104

TODD GEORGE M & REBECCA G  
790 E SNOWDEN CIR #  
MEMPHIS TN 38104

GATES JOYCELYN D  
1281 AGNES PL #  
MEMPHIS TN 38104

BREATH OF LIFE SEVENTH DAY ADVENTIST CHU  
1385 LAMAR AVE #  
MEMPHIS TN 38104

KEARNEY SHAY M  
1372 AGNES PL #  
MEMPHIS TN 38104

PAYNE NIKKI J  
1287 AGNES PL #  
MEMPHIS TN 38104

SCHUERMAN JOHN  
4705 TOPEKA CT #  
DENVER CO 80239

COX RACHEL H  
1378 AGNES PL #  
MEMPHIS TN 38104

KRUEGER KEITH A & VERNON S FRYE  
1291 AGNES PL #  
MEMPHIS TN 38104

WIPF ESTHER M  
780 E SNOWDEN CIR #  
MEMPHIS TN 38104

HOLTON PEG A  
1382 AGNES PL #  
MEMPHIS TN 38104

COTHERN BRANDON  
1301 AGNES PL #  
MEMPHIS TN 38104

HAILE TSEGAYE  
1407 LAMAR AVE #  
MEMPHIS TN 38104

JACKSON CHRIS K AND ANGELA L PETTY (RS)  
1388 AGNES PL #  
MEMPHIS TN 38104

DAVIS MARTHA A  
1307 AGNES PL #  
MEMPHIS TN 38104

CHURCH OF THE FULL GOSPEL ETAL  
1252 AGNES PL #  
MEMPHIS TN 38104

CARROLL JOHN R  
800 E SNOWDEN CIR #  
MEMPHIS TN 38104

BISHOP STEPHEN R & EMILY D  
1973 EVELYN #  
MEMPHIS TN 38104

LOWE WILLIE C LIVING TRUST  
1258 AGNES PL #  
MEMPHIS TN 38104

GORDON ROBERT  
1594 HARBERT AVE #  
MEMPHIS TN 38104

GIBBS CAROL V  
1323 AGNES PL #  
MEMPHIS TN 38104

PERRY WILLIAM J JR & JEANNE L  
1262 AGNES PL #  
MEMPHIS TN 38104

JACKO GALE  
1269 AGNES PL #  
MEMPHIS TN 38104

PIERSON REGINA  
1769 1ST GREEN DR #  
MEMPHIS TN 38116

LASTRA JENNIFER L & ROBERT KELZ  
1335 AGNES PL #  
MEMPHIS TN 38104

SHERRILL EARL  
1301 HEISTAN PL #  
MEMPHIS TN 38104

SPIRIT MASTER FUNDING X LLC  
6300 S SYRACUSE WAY #205  
CENTENNIAL CO 80111

FLEURANTIN DAVID  
1339 AGNES PL #  
MEMPHIS TN 38104

NEW WAY AQUAPONIC FARMS LLC  
461 TENNESSEE ST #  
MEMPHIS TN 38103

BUFORD DEVIN  
649 FLORIDA ST #305  
MEMPHIS TN 38103

WASSON WALETHA  
1345 AGNES PL #  
MEMPHIS TN 38104

NEW WAY AQUAPONIC FARMS LLC  
461 TENNESSEE ST #  
MEMPHIS TN 38103

FUHRMANN MARIA K & KEITH A  
1349 AGNES PL #  
MEMPHIS TN 38104

THREE D ENTERPRISES LLC  
1431 HEISTAN PL #  
MEMPHIS TN 38104

MILLS RONALD H & CONNIE R  
4074 PIKES PEAK AVE #  
MEMPHIS TN 38104

TERRY CLYDE  
8443 FREIDEN TRL #  
MEMPHIS TN 38125

SEATON SAMUEL A JR & BEVERLY  
1359 AGNES PL #  
MEMPHIS TN 38104

OPPENHEIMER EMILY  
1319 GOODBAR AVE #  
MEMPHIS TN 38104

GIENAPP ANDREW J & REBEKAH J  
1369 AGNES PL #  
MEMPHIS TN 38104

CLUB GARDENS LLC  
1654 HARBERT AVE #  
MEMPHIS TN 38104

BATES RICKEY & TIMOTHY R COMBS  
1375 AGNES PL #  
MEMPHIS TN 38104

CLUB GARDENS LLC  
1654 HARBERT AVE #  
MEMPHIS TN 38104

LOPEZ JOSE J & SARA C NELSON  
1379 AGNES PL #  
MEMPHIS TN 38104

CLUB GARDENS LLC  
1654 HARBERT AVE #  
MEMPHIS TN 38104

KUNA INVESTMENTS LLC  
716 PROUD EAGLE LN #  
LAS VEGAS NV 89144

WMMC CONSTRUCTION LLC  
648 RIVERSIDE DR #302  
MEMPHIS TN 38103

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Ken Robison  
1325 Lamar Avenue  
Memphis, Tennessee 38104

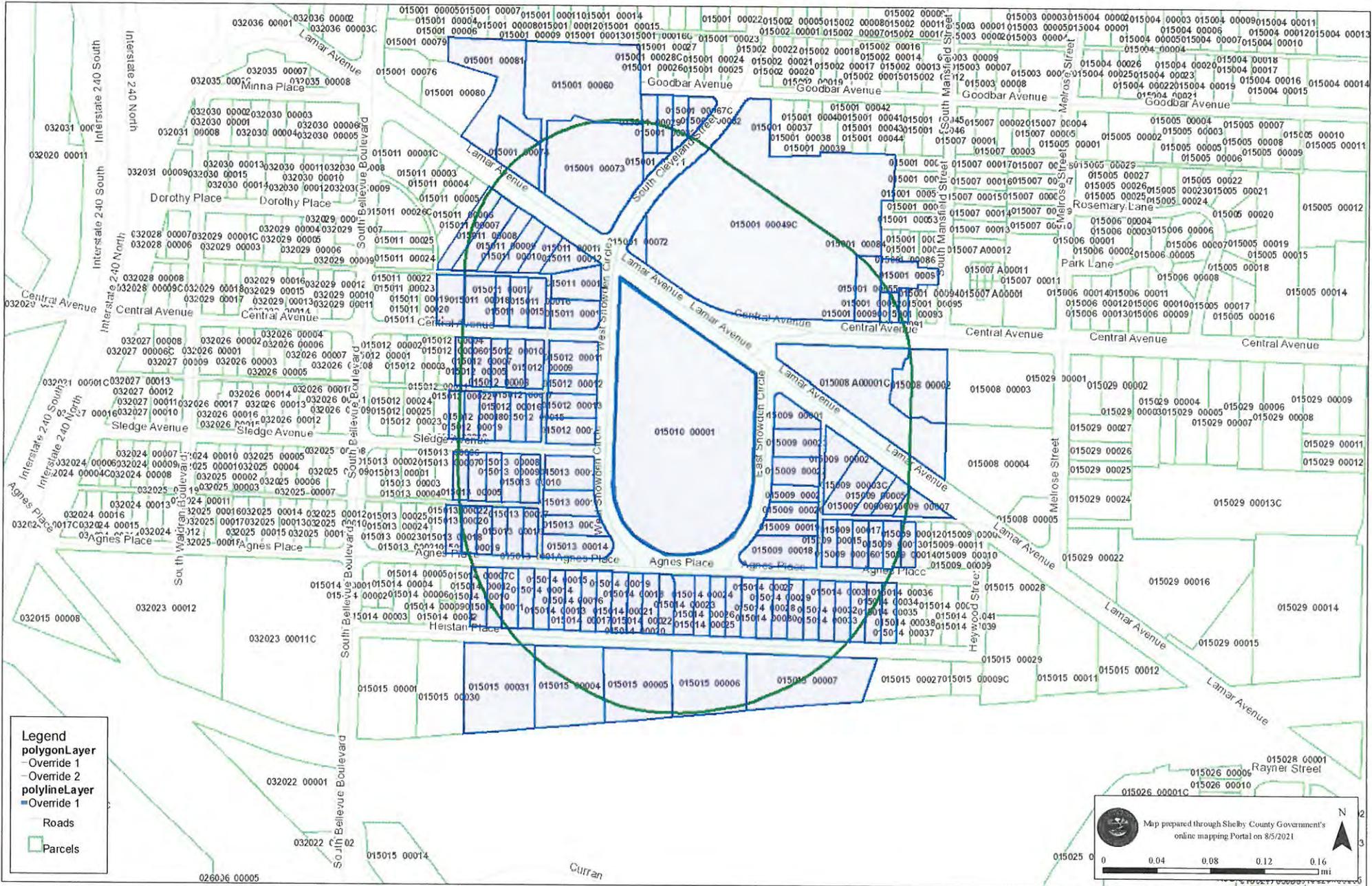
Murphy Maude Interiors  
Attn: Leslie Murphy  
94 Cumberland Street  
Memphis, Tennessee 38112

SR Consulting  
Attn: Melissa Johnson  
5909 Shelby Oaks Drive #200  
Memphis, Tennessee 38134

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**Legend**

- polygonLayer
- Override 1
- Override 2
- polylineLayer
- Override 1
- Roads
- Parcels

Map prepared through Shelby County Government's  
online mapping Portal on 8/5/2021

0 0.04 0.08 0.12 0.16  
mi

N

**CITY OF MEMPHIS  
COUNCIL AGENDA CHECK OFF SHEET**

**ONE ORIGINAL  
ONLY STAPLED  
TO DOCUMENTS**

**Planning & Development  
DIVISION**

**Planning & Zoning COMMITTEE: 10/5/2021  
DATE  
PUBLIC SESSION: 10/5/2021  
DATE**

**ITEM (CHECK ONE)**

ORDINANCE       CONDEMNATIONS       GRANT ACCEPTANCE / AMENDMENT  
 RESOLUTION       GRANT APPLICATION       REQUEST FOR PUBLIC HEARING  
 OTHER: \_\_\_\_\_

**ITEM DESCRIPTION:** A resolution approving a street closure and vacation  
**CASE NUMBER:** SAC 21-06  
**DEVELOPMENT:** Right-of-way closure and vacation  
**LOCATION:** Michigan Street between East E.H. Crump Blvd and East Virginia Avenue  
**COUNCIL DISTRICTS:** District 6 and Super District 8 – Positions 1, 2, and 3  
**OWNER/APPLICANT:** Shelby Electric Co.  
**REPRESENTATIVES:** Allen & Hoshall  
**EXISTING ZONING:** Gateway District  
**REQUEST:** Close and vacate right-of-way of a section of Michigan Street located between East Virginia Avenue and East EH Crump Boulevard  
**AREA:** +/-18,819 Square feet of ROW  
**RECOMMENDATION:** The Division of Planning and Development recommended *Approval with conditions*  
The Land Use Control Board recommended *Approval with conditions*  
**RECOMMENDED COUNCIL ACTION:** **No public hearing required**  
Set hearing date for -October 5, 2021

**PRIOR ACTION ON ITEM:**

(1) \_\_\_\_\_ APPROVAL - (1) APPROVED (2) DENIED  
09/9/2021 \_\_\_\_\_ DATE  
(1) Land Use Control Board \_\_\_\_\_ ORGANIZATION - (1) BOARD / COMMISSION  
(2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

**FUNDING:**

(2) \_\_\_\_\_ REQUIRES CITY EXPENDITURE - (1) YES (2) NO  
\$ \_\_\_\_\_ AMOUNT OF EXPENDITURE  
\$ \_\_\_\_\_ REVENUE TO BE RECEIVED

**SOURCE AND AMOUNT OF FUNDS**

\$ \_\_\_\_\_ OPERATING BUDGET  
\$ \_\_\_\_\_ CIP PROJECT # \_\_\_\_\_  
\$ \_\_\_\_\_ FEDERAL/STATE/OTHER

**ADMINISTRATIVE APPROVAL:**

	<u>DATE</u>	<u>POSITION</u>
_____	_____	MUNICIPAL PLANNER
_____	_____	DEPUTY ADMINISTRATOR
_____	_____	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	<b>CHIEF ADMINISTRATIVE OFFICER</b>
_____	_____	<b>COMMITTEE CHAIRMAN</b>



## Memphis City Council Summary Sheet

### **SAC 21-06**

Resolution requesting to close and vacate right-of-way of a section of Michigan Street located between East Virginia Avenue and East EH Crump Boulevard:

- This item is a resolution with conditions to allow the above; and
- The Division of Planning & Development at the request of the Owner/Applicant(s): Shelby Electric Co. and Representative(s): Allen & Hoshall; and
- This item may require a new public improvement contract.



## RESOLUTION

**A resolution approving the closure of a section of Michigan Street between East Virginia Avenue and East E.H. Crump Boulevard, known as case number SAC 21-06.**

**WHEREAS**, the City of Memphis is the owner of real property known as Michigan Street between East Virginia Avenue and East E.H. Crump Boulevard in Memphis, Tennessee and being more particularly described as follows:

Commencing at the centerline intersection of E.H. Crump Boulevard (92'ROW) and South Main Street (60'ROW); thence with a portion of the centerline of said E.H. Crump Boulevard, South  $86^{\circ}29'08''$  East a distance of 180.09' to a point; thence departing from and perpendicular to said centerline, North  $03^{\circ}30'52''$  East a distance of 46.00 to the intersection of the north right of way line E.H. Crump Boulevard with the west right of way line of Michigan Street (60'ROW) and being the **True Point of Beginning** (TNSPC N:313257.41, E:755102.76); thence with said west right of way line of Michigan Street, North  $05^{\circ}49'52''$  East a distance of 313.65' to the intersection with the south right of way line of East Virginia Avenue (65'ROW); thence departing from said west right of way line with the easterly prolongation of said south right of way line, South  $86^{\circ}29'08''$  East a distance of 60.05' to the intersection with the east right of way line of said Michigan Street; thence departing from said south right of way line with said east right of way line of Michigan Street, South  $05^{\circ}49'52''$  West a distance of 313.65 to the intersection with said north right of way line of E.H. Crump Boulevard; thence with the westerly prolongation of said north right of way line, North  $86^{\circ}29'08''$  West a distance of 60.05 to said **True Point Of Beginning**.

Said described portion of Michigan Street containing 18,819 square feet or 0.43 acres, more or less.

**WHEREAS**, the City of Memphis has reviewed the recommendation of the Land Use Control Board and the report and recommendation of the Division of Planning and Development and desires to close the hereinabove described public right-of-way and it is deemed to be in the best interest of the City of Memphis that said public right-of-way be vacated, and revert to the abutting property owner(s); and

**WHEREAS**, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on September 9, 2021, and said Board has submitted its findings and recommendation to the Council of the City of Memphis subject to the following conditions:

1. Provide easements for existing sanitary sewers, drainage facilities, and other utilities or relocate at developer's expense.
2. The applicant shall provide for the construction of curb, gutter and sidewalk across the closure as required by the City Engineer. If the City Engineer approves access, the applicant shall construct a City Standard curb cut across the closure, all to the satisfaction of the City Engineer, and at the applicant's expense. The applicant shall enter into a Standard Improvement Contract or obtain a curb cut permit from the City Engineer to cover the above required construction work.
3. The applicant shall comply with all conditions of the closure within three years of the conditional approval of the closure by the City Council.

**NOW THEREFORE BE IT RESOLVED**, by the Council of the City of Memphis that the above described public right-of-way be and is hereby closed for public use, subject to the aforementioned conditions.

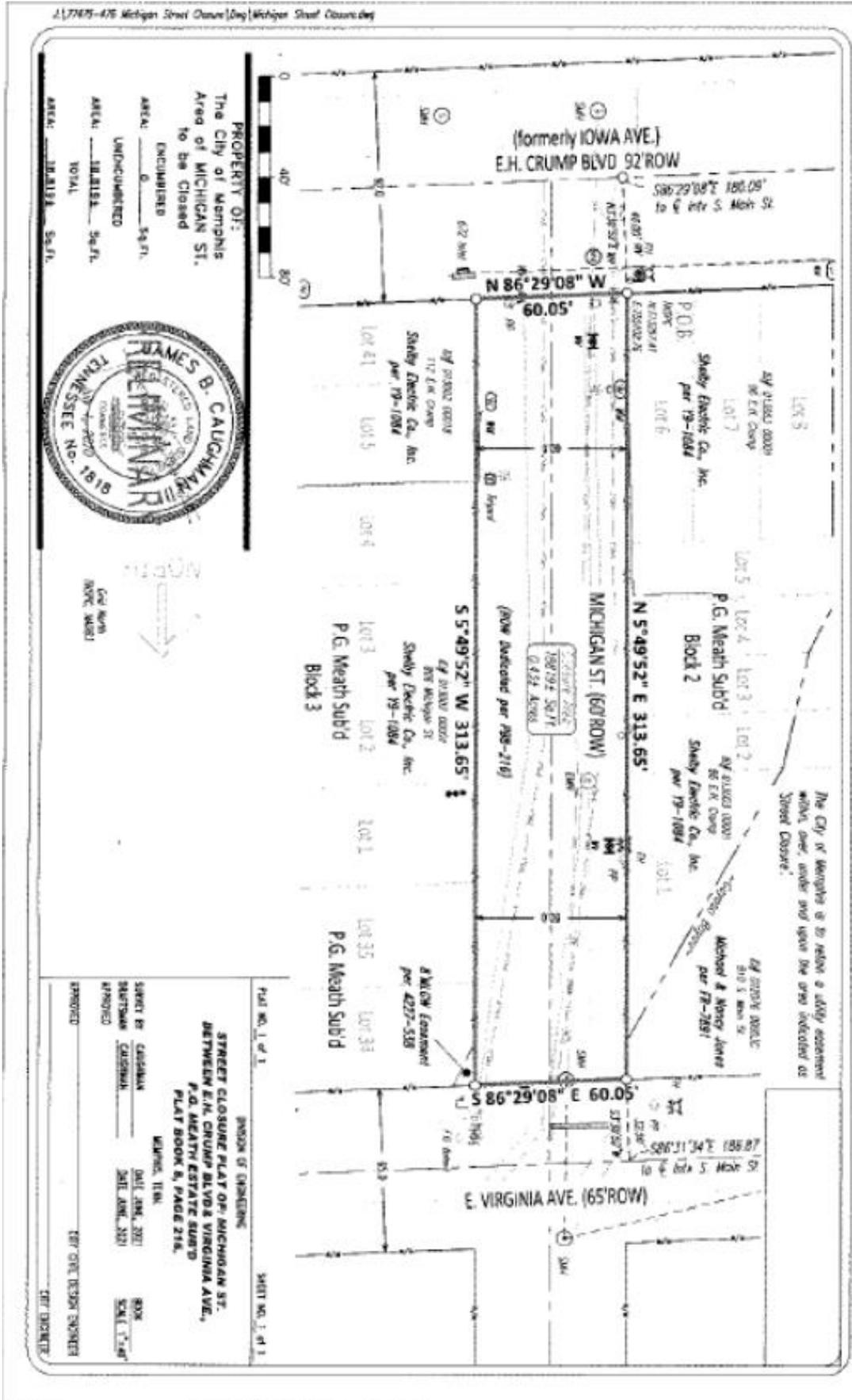
**BE IT FURTHER RESOLVED**, that the Mayor is hereby authorized to execute all Quitclaim Deed(s) to the owners of the properties abutting on the above described public right-of-way, said Deeds not to be delivered until the conditions herein stated have been met by applicant.

**BE IT FURTHER RESOLVED**, that a copy of this resolution be sent to the Lawyers Title Insurance Company, the Memphis Title Company, the Chicago Title Company, the Security Title Company and the Shelby County Property Assessor's Office.

**ATTEST:**

**Cc: Division of Planning and Development – Land Use and Development Services  
City Engineering – Land Development  
City Real Estate**

# RIGHT OF WAY VACATION PLAT



## **LAND USE CONTROL BOARD RECOMMENDATION**

At its regular meeting on **Thursday, September 9, 2021**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

**CASE NUMBER:** SAC 21-06

**LOCATION:** Michigan Street between East E.H. Crump Blvd and East Virginia Avenue

**COUNCIL DISTRICT(S):** District 6 and Super District 8

**OWNER/APPLICANT:** Shelby Electric Co.

**REPRESENTATIVE:** Allen & Hoshall

**REQUEST:** Close and vacate the public right-of-way of Michigan Street a north-south public street between East E.H. Crump Blvd and East Virginia Avenue.

**EXISTING ZONING:** Gateway District

**AREA:** +/-18,819 Square feet of ROW

---

**The following spoke in support of the application:** None

**The following spoke in opposition of the application:** None

The Land Use Control Board reviewed the application and the staff report. A motion was made and seconded to recommend approval with conditions of the application.

**The motion passed by a unanimous vote of 9-0 on the consent agenda.**

Respectfully,



Seth Thomas  
Municipal Planner  
Land Use and Development Services  
Division of Planning and Development

Cc: Committee Members  
File

**SAC 21-06**  
**CONDITIONS**

1. Provide easements for existing sanitary sewers, drainage facilities, and other utilities or relocate at developer's expense.
2. The applicant shall provide for the construction of curb, gutter and sidewalk across the closure as required by the City Engineer. If the City Engineer approves access, the applicant shall construct a City Standard curb cut across the closure, all to the satisfaction of the City Engineer, and at the applicant's expense. The applicant shall enter into a Standard Improvement Contract or obtain a curb cut permit from the City Engineer to cover the above required construction work.
3. The applicant shall comply with all conditions of the closure within three years of the conditional approval of the closure by the Council of the City of Memphis.



**AGENDA ITEM:** 12

**CASE NUMBER:** SAC 21-06 **L.U.C.B. MEETING:** September 9, 2021

**LOCATION:** Michigan Street between East E.H. Crump Blvd and East Virginia Avenue

**COUNCIL DISTRICT:** District 6 and Super District 8

**OWNER/APPLICANT:** Shelby Electric Co.

**REPRESENTATIVE:** Allen & Hoshall

**REQUEST:** Close and vacate the public right-of-way of Michigan Street a north-south public street between East E.H. Crump Blvd and East Virginia Avenue.

**AREA:** +/-18,819 Square feet of ROW

**EXISTING ZONING:** Gateway District

## CONCLUSIONS

1. The applicant is seeking to close and vacate right-of-way of a section of Michigan Street located between East Virginia Avenue and East EH Crump Boulevard.
2. The applicant sites vehicles traveling at excessive speeds and pedestrian safety for the employees moving between buildings as reasons for this request.
3. The closure of the subject right-of-way would not have any undue or substantial effect upon the existing vehicular and pedestrian traffic flow of the surrounding area.

## CONSISTENCY WITH MEMPHIS 3.0

The Memphis 3.0 Plan does not make recommendations for street closures.

## RECOMMENDATION

*Approval with conditions*

**GENERAL INFORMATION**

**Zoning Atlas Page:** 1930

**Existing Zoning:** Gateway

**PUBLIC NOTICE**

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 30 notices were mailed on August 27, 2021, and a total of 2 signs posted on each end of the right-of-way to be closed and vacated. The sign affidavit has been added to this report.

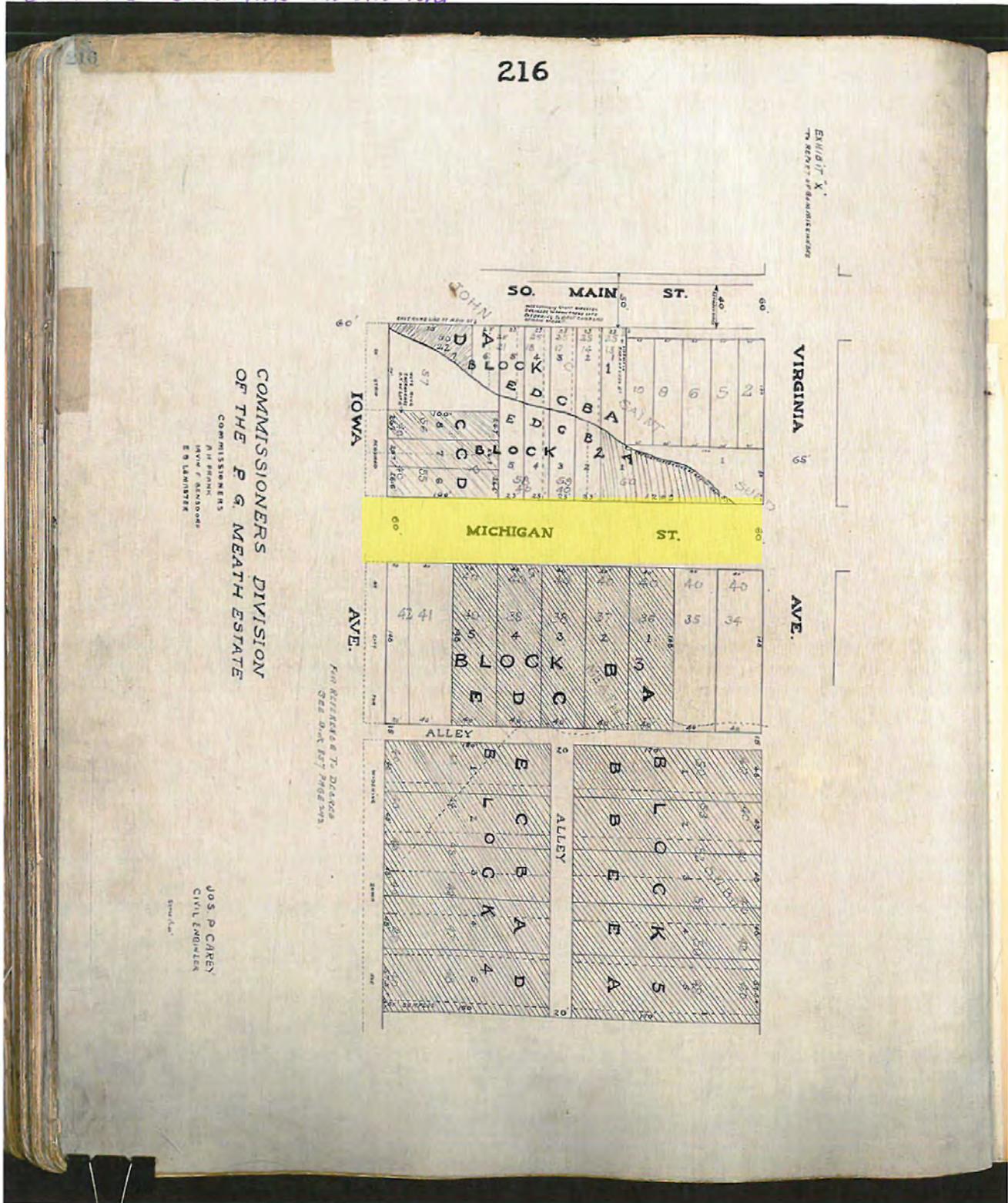
**LOCATION MAP**



Subject right-of-way located within the pink circle, South Memphis

Original Dedication Instrument

*ORIGINAL DEDICATION INSTRUMENT*

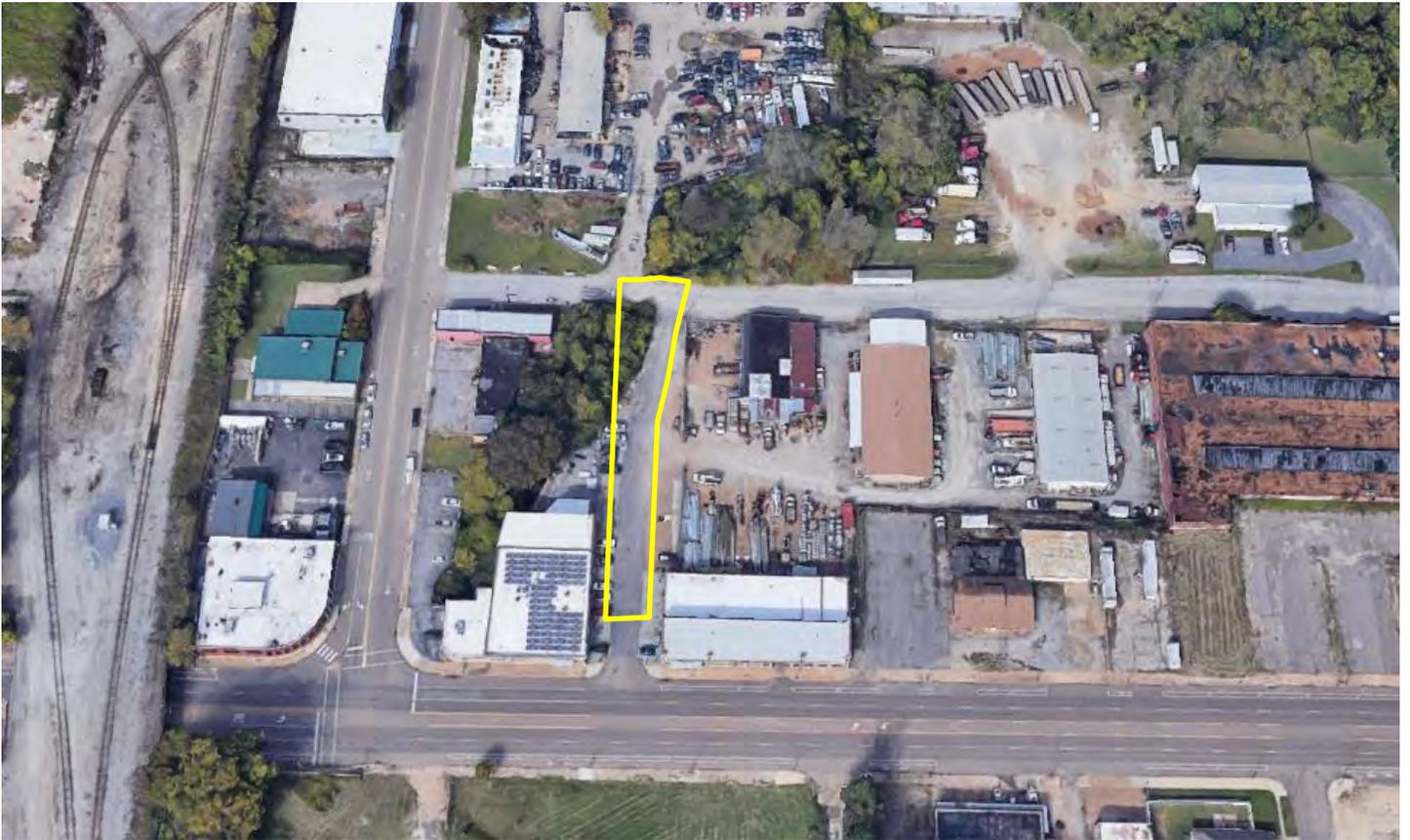


Subject right-of-way highlighted in yellow



**AERIAL**

A



Subject right-of-way outlined in yellow

**ZONING MAP**



Subject right-of-way highlighted in yellow

**Existing Zoning:** Gateway

**Surrounding Zoning**

**North:** South Downtown Business

**East:** Gateway

**South:** Gateway

**West:** Gateway and Bluffview

LAND USE MAP



Subject right-of-way outlined in orange

**SITE PHOTOS**

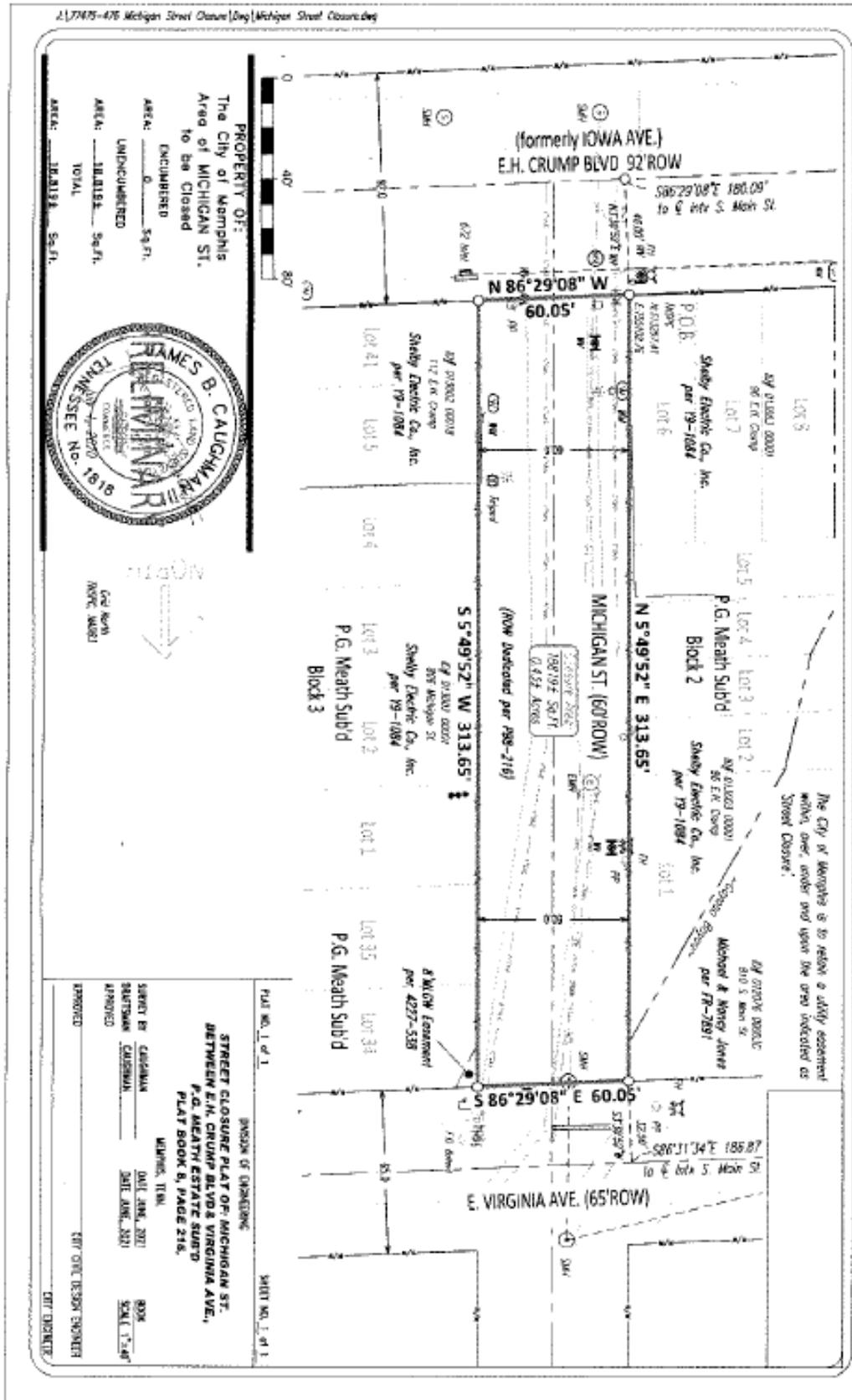


View of access point to the subject right-of-way from E.H. Crump Boulevard facing north



View of access point to the subject right-of-way from the East Virginia Avenue facing south

**RIGHT-OF-WAY VACATION PLAT**



**LEGAL DESCRIPTION**

**STREET CLOSURE OF  
MICHIGAN STREET  
BETWEEN E.H. CRUMP BOULEVARD AND EAST VIRGINIA AVENUE**

Being all that portion of Michigan Street location north of E.H. Crump Boulevard (formerly Iowa Avenue) and south of East Virginia Avenue as shown on the 'Commissioners Division of the P.G. Meath Estate' as recorded in Plat Book 8, Page 216 at the Shelby County Register's Office, City of Memphis, State of Tennessee being more particularly described by metes and bounds as follows:

Commencing at the centerline intersection of E.H. Crump Boulevard (92'ROW) and South Main Street (60'ROW); thence with a portion of the centerline of said E.H. Crump Boulevard, South 86°29'08" East a distance of 180.09' to a point; thence departing from and perpendicular to said centerline, North 03°30'52" East a distance of 46.00' to the intersection of the north right of way line of said E.H. Crump Boulevard with the west right of way line of Michigan Street (60'ROW) and being the **TRUE POINT OF BEGINNING** (TNSPC N.313257.41, E:755102.76); thence with said west right of way line of Michigan Street, North 05°49'52" East a distance of 313.65' to the intersection with the south right of way line of East Virginia Avenue (65'ROW); thence departing from said west right of way line with the easterly prolongation of said south right of way line, South 86°29'08" East a distance of 60.05' to the intersection with the east right of way line of said Michigan Street; thence departing from said south right of way line with said east right of way line of Michigan Street, South 05°49'52" West a distance of 313.65' to the intersection with said north right of way line of E.H. Crump Boulevard; thence with the westerly prolongation of said north right of way line, North 86°29'08" West a distance of 60.05' to said **TRUE POINT OF BEGINNING**.

Said described portion of Michigan Street containing 18,819 square feet or 0.43 acres, more or less.

## **STAFF ANALYSIS**

### **Request and Reason**

The application and letter of intent have been added to this report.

The request is to close and vacate right-of-way of a section of Michigan Street located between East Virginia Avenue and East EH Crump Boulevard. The applicant sites vehicles traveling at excessive speeds and pedestrian safety for the employees moving between buildings as reasons for this request.

### **Site Description**

The subject right-of-way is a +/-60.05-foot wide and +/-313.65-foot long public street for a total area of +/-0.423 acres (18,819 Square Feet) between E.H. Crump Boulevard and East Virginia Avenue. The subject right-of-way is located in-between three parcels (013003 00001, 013002 00001, and 013002 00018) owned by Shelby Electric Company Inc.

### **Supplementary**

The portion of Michigan Street north of East Virginia Avenue was closed November 6, 2007.

If approved, this proposed closure of Michigan Street will deed over the last section of the Street north of E.H. Crump.

### **Consistency with Memphis 3.0**

The Memphis 3.0 Plan does not make recommendations related to street closures.

### **Conclusions**

The applicant is seeking to close and vacate right-of-way of a section of Michigan Street located between East Virginia Avenue and East EH Crump Boulevard.

The applicant sites vehicles traveling at excessive speeds and pedestrian safety for the employees moving between buildings as reasons for this request.

The closure of the subject right-of-way would not have any undue or substantial effect upon the existing vehicular and pedestrian traffic flow of the surrounding area.

## **RECOMMENDATION**

Staff recommends approval with conditions.

### **Conditions**

1. Provide easements for existing sanitary sewers, drainage facilities, and other utilities or relocate at developer's expense.
2. The applicant shall provide for the construction of curb, gutter and sidewalk across the closure as required by the City Engineer. If the City Engineer approves access, the applicant shall construct a City Standard curb cut across the closure, all to the satisfaction of the City Engineer, and at the applicant's expense. The

applicant shall enter into a Standard Improvement Contract or obtain a curb cut permit from the City Engineer to cover the above required construction work.

3. The applicant shall comply with all conditions of the closure within three years of the conditional approval of the closure by the Council of the City of Memphis.



9. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.

**Street Closures:**

10. Provide easements for existing sanitary sewers, drainage facilities and other utilities or relocate at developer's expense.
11. City sanitary sewers/drainage facilities are located within the proposed closure area.
12. The applicant shall provide for the construction of curb, gutter and sidewalk across the closure as required by the City Engineer. If the City Engineer approves access, the applicant shall construct a City Standard curb cut across the closure, all to the satisfaction of the City Engineer, and at the applicant's expense. The applicant shall enter into a Standard Improvement Contract or obtain a curb cut permit from the City Engineer to cover the above required construction work.
13. The applicant shall comply with all conditions of the closure within 3 years of the conditional approval of the closure by the City Council.

**City/County Fire Division:** No comments received.

**City Real Estate:** No comments received.

**City/County Health Department:** No comments received.

**Shelby County Schools:** No comments received.

**Construction Code Enforcement:** No comments received.

**Memphis Light, Gas and Water:**

- **MLGW has existing utility distribution facilities within the present public road/alley right of way.** The City of Memphis shall retain an easement across the proposed street closure, from edge to edge of the road right of way, to accommodate any existing public utilities, including electric, gas, water, CATV, telephone, sewer, drainage, etc
- **It is the responsibility of the owner/applicant** to bear the cost if it is necessary for MLGW facilities to be installed, removed or relocated.
- **MLGW reserves the right** to retain a utility right-of-way within that portion of the existing public road right of way at all times for existing utilities, or the owner/applicant may choose to relocate existing utilities at the expense of the owner/applicant.
- **MLGW must be able to access any overhead or underground facilities.** Consequently, no permanent structure(s) shall be constructed or erected within that portion of the existing public road right of way including fences, buildings, patios, vehicle parking or paving.
- **No permanent structures, development or improvements** are allowed within any utility easements, without prior MLGW written approval.
- **Underground Utility separation and clearance:** The subject property is encumbered by existing utilities which may include overhead and underground facilities. It is the responsibility of the owner/applicant to maintain a

minimum 3-foot (3') separation between any existing underground service lines or utilities and any proposed permanent structure or facility. This separation is necessary to provide sufficient space for any excavations to perform service, maintenance or replacement of existing utilities.

- If there are **existing fire hydrants** within the proposed closure of the public right-of-way, these hydrants will become public hydrants on private property, and the owner/applicant will be billed an annual maintenance fee on a monthly basis by MLGW.
- If there are **existing street lights** within the proposed closure of the public right-of-way, MLGW will remove all street lights, and abandon underground electric feeds or remove overhead electric feeds – at the expense of the owner/applicant.
- **STREET NAMES: It is the responsibility of the owner/applicant** to contact MLGW–Address Assignment @ 729-8628 and submit proposed street names for review and approval. Please use the following link to the MLGW Land & Mapping website for **Street Naming Guidelines** and the **Online Street Name Search**: <http://www.mlgw.com/builders/landandmapping>
- **It is the responsibility of the owner/applicant** to identify any utility easements, whether dedicated or prescriptive (electric, gas, water, CATV, telephone, sewer, drainage, etc.), which may encumber the subject property, including underground and overhead facilities. No permanent structures will be allowed within any utility easements.
- **It is the responsibility of the owner/applicant** to contact **TN-1-CALL @ 1.800.351.1111**, before digging, and to determine the location of any underground utilities including electric, gas, water, CATV, telephone, etc.
- **It is the responsibility of the owner/applicant** to contact MLGW-Property Management, Land Rights Specialist @ 901-528-4186 to request a Release Deed for release of easement for any existing MLGW Easement(s) in conflict with the proposed development.
- **It is the responsibility of the owner/applicant** to pay the cost of any work performed by MLGW to install, remove or relocate any facilities to accommodate the proposed development.
- **It is the responsibility of the owner/applicant** to identify any utility easements, whether dedicated or prescriptive (electric, gas, water, CATV, telephone, sewer, drainage, etc.), which may encumber the subject property, including underground and overhead facilities. No permanent structures will be allowed within any utility easements.
- **It is the responsibility of the owner/applicant** to comply with the **National Electric Safety Code (NESC)** and maintain minimum horizontal/vertical clearances between existing overhead electric facilities and any proposed structures.
- **It is the responsibility of the owner/applicant** to comply with Memphis/Shelby County Zoning Ordinance - Landscape and Screening Regulations.
- **Street Trees are prohibited**, subject to the review and approval of the landscape plan by MLGW Engineering. It is the responsibility of the owner/applicant to submit a detailed landscape plan to MLGW Engineering.
- **Landscaping is prohibited** within any MLGW utility easement without prior MLGW approval.
- **It is the responsibility of the owner/applicant** to submit a detailed plan to MLGW Engineering for the purposes of determining the availability and capacity of existing utility services to serve any proposed or future development(s).
- **Fire Protection Water Services: It is the responsibility of the owner/applicant** to contact **MLGW - Water Engineering @ 901-528-4720** to obtain fire protection/water flow information. If water main extensions and/or an increase in existing main sizes are needed to meet the minimum fire flow rate to serve the proposed development, the owner/applicant will be responsible for the cost of these improvements.
  - Please refer to **MLGW Service Policy Manual – Water Main Extensions, Section 4.3** which is available online at the following MLGW website:
  - <http://www.mlgw.com/images/content/files/pdf/ServicePolicyManual.pdf>
- **It is the responsibility of the owner/applicant** to submit a detailed plan to MLGW Engineering for the purposes of determining the availability and capacity of existing utility services to serve any proposed or future development(s). Application for utility service is necessary before plats can be recorded.
  - All residential developers must contact MLGW's Residential Engineer at Builder Services: (901) 729-8675 to initiate the utility application process.

- All commercial developers must contact MLGW's Builder Services line at 729-8630 (select option 2) to initiate the utility application process.
- **It is the responsibility of the owner/applicant** to pay the cost of any utility system improvements necessary to serve the proposed development with electric, gas or water utilities.

**Office of Sustainability and Resilience:** No comments received.

**Office of Comprehensive Planning:** No comments received.

APPLICATION



Memphis and Shelby County  
Office of Planning and Development

CITY HALL 125 NORTH MAIN STREET, SUITE 476, MEMPHIS, TENNESSEE 38103-2084 (901)363-6619

APPLICATION FOR RIGHT-OF-WAY VACATION/  
STREET/ALLEY/CLOSURE APPROVAL

Date: 7/30/2021

Case #: \_\_\_\_\_

PLEASE TYPE OR PRINT

Name of Street/Alley/ROW: Michigan Street

Property Owner of Record: City of Memphis Phone #: 901.636.6830

Mailing Address: 125 N. Main Street City/State: Memphis, TN Zip 38103

Property Owner E-Mail Address: LBryan@shelbyelectric.net

Applicant: Shelby Electric Co., Inc. Phone # 901.848.1545

Mailing Address: 96 E.H. Crump Blvd. City/State: Memphis, TN Zip 38106

Applicant E-Mail Address: RLeath@shelbyelectric.net

Representative: Rodney Leath Phone #: 901.848.1545

Mailing Address: 96 E.H. Crump Blvd. City/State: Memphis, TN Zip 38106

Representative E-Mail Address: RLeath@shelbyelectric.net

Engineer/Surveyor: Allen&Hoshall, Inc. Phone # 901.820.0820

Mailing Address: 1661 International Dr., #100 City/State: Memphis, TN Zip 38120

Engineer/Surveyor E-Mail Address: jcaughman@allenhoshall.com

Closure Street Address Location: Michigan Street between E.H. Crump and E. Virginia Ave.

Inside of Memphis City Limits  Yes  No

Unincorporated Shelby County  Yes  No

City of \_\_\_\_\_ Reserve Area  Yes  No

Distance to nearest intersecting street: 180' East of South Main Street

Area of ROW: 18,819+ Square-Foot/Acres Length x Width of ROW: 314'x60' Feet

Closure starts at: E.H. Crump Boulevard and

Proceeds to East Virginia Avenue

Reason for Closure: Safety concerns with vehicles speeding through causing accidents as well as concerns with breakins

**PRE-APPLICATION CONFERENCE** - Not more than six (6) months nor less than five (5) working days prior to filing an application, the applicant shall arrange for a mandatory pre-application conference with OPD.

Pre-Application Conference held on: 5/18/2021 with Seth Thomas

I (we) hereby make application for approval of the street/alley closure described above and on the accompanying materials and closure plat. I (we) accept responsibility for any errors or omissions which may result in the postponement of the application being reviewed by the Memphis & Shelby County Land Use Control Board at the next available hearing date. I (We), owner(s) of the above described property hereby authorize the filing of this application and the above named persons to act on my behalf.

Shelby Electric Company, Inc. 7/18/21 [Signature] 7/18/21  
Property Owner of Record\* Date Applicant Date

Every property owner that both abuts the right-of-way to be closed and will be deeded a respective portion shall sign this application unless the signee above is a duly elected representative of a homeowners or property owners association that will be taking ownership of the vacated right of way. See Item H at the bottom of this application for further instructions and exceptions.

Types of Vacation (from Chapter 9.8 of the Unified Development Code)

1. **Conversions** (public-to-private street conversions, pursuant to Section 5.2.18 of the UDC)  
*Note: street conversions entirely within approved subdivisions or planned developments shall be processed as revisions to the subdivision plat or planned development plat. Please refer to those appropriate applications.*
2. **Physical closures** (street and alley closures that involve the physical closure of an existing street or alley)
3. **Abandonment** (divestiture of abandoned or excess right-of-way, paper streets, paper alleys and easements)

**SIGN POSTING** - A sign or signs shall be erected on-site no more than 30 days or less than 10 days prior to the date of the Land Use Control Board hearing. See Sub-Section 9.3.4C of the UDC for further details on sign posting.

**LETTER OF INTENT**

*Shelby Electric Co.*  
INC.

96 East E.H. Crump Blvd.  
Memphis, TN 38106  
(901) 947-7300  
Bids@ShelbyElectric.net

July 30, 2021

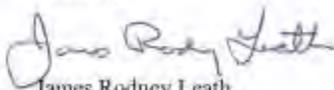
Mr. Seth Thomas  
Municipal Planner  
Land Use and Development Services  
Division of Planning and Development  
125 N. Main, Ste 477  
Memphis, TN 38103

**RE: Letter of Intent – Road Closure  
Michigan Street**

Dear Mr. Thomas,

The intent of this project is to close Michigan St. between East EH Crump Blvd and East Virginia St. This portion of Michigan Street runs between two buildings, both of which are owned by Shelby Electric Company, Inc. Traffic often uses this street and cut-through to avoid the stop light at Crump and South Main. Traveling at excessive speeds, multiple accidents have occurred involving our employee's parked vehicles. There is a great deal of foot traffic by our employees and there are safety concerns as vehicle speed through Michigan Street. The professional consultant associated with this proposed road closure is Allen & Hoshall.

Sincerely,

  
James Rodney Leath  
President

**SIGN AFFIDAVIT**

**AFFIDAVIT**

*Shelby County  
State of Tennessee*

I, Coleman Leslie Bryan, 4th, being duly sworn, depose and say that at 1:00 am/pm on the 25th day of August, 2021, I posted 2 Public Notice Sign(s) pertaining to Case No. SAC 2021-06 at Michigan St and East EH Crump Blvd and Michigan St and Virginia Ave, providing notice of a Public Hearing before the X Land Use Control Board, Memphis City Council, Shelby County Board of Commissioners for consideration of a proposed Land Use Action (Planned Development, Special Use Permit, Zoning District Map Amendment, X Street and/or Alley Closure), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

[Signature] 8/26/2021  
Owner, Applicant or Representative Date

Subscribed and sworn to before me this 26<sup>th</sup> day of August, 2021

[Signature]  
Notary Public

My commission expires: 4-30-22







**LETTERS RECEIVED**

No letters received at the time of completion of this report.

# Shelby Electric Co. INC.

96 East E.H. Crump Blvd.  
Memphis, TN 38106  
(901) 947-7300  
Bids@ShelbyElectric.net

July 30, 2021

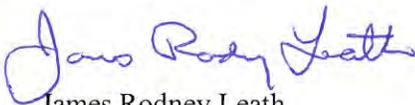
Mr. Seth Thomas  
Municipal Planner  
Land Use and Development Services  
Division of Planning and Development  
125 N. Main, Ste 477  
Memphis, TN 38103

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Michigan Street**

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Sincerely,



James Rodney Leath  
President



# Memphis and Shelby County Office of Planning and Development

CITY HALL 125 NORTH MAIN STREET, SUITE 476, MEMPHIS, TENNESSEE 38103-2084 (901) 363-6619

## APPLICATION FOR RIGHT-OF-WAY VACATION/ STREET/ALLEY/CLOSURE APPROVAL

Date: 7/30/2021

Case #: \_\_\_\_\_

PLEASE TYPE OR PRINT

Name of/Street/Alley/ROW: Michigan Street

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Applicant: Shelby Electric Co., Inc. Phone # 901.848.1545

Mailing Address: 96 E.H. Crump Blvd. City/State: Memphis, TN Zip 38106

Applicant E- Mail Address: RLeath@shelbyelectric.net

Representative: Rodney Leath Phone #: 901.848.1545

Mailing Address: 96 E.H. Crump Blvd. City/State: Memphis, TN Zip 38106

Representative E-Mail Address: RLeath@shelbyelectric.net

Engineer/Surveyor: Allen&Hoshall, Inc. Phone # 901.820.0820

Mailing Address: 1661 International Dr., #100 City/State: Memphis, TN Zip 38120

Engineer/Surveyor E-Mail Address: jcaughman@allenhoshall.com

Closure Street Address Location: Michigan Street between E.H. Crump and E. Virginia Ave.

Inside of Memphis City Limits  Yes  No

Unincorporated Shelby County  Yes  No

City of \_\_\_\_\_ Reserve Area  Yes  No

Distance to nearest intersecting street: 180' East of South Main Street

Area of ROW: 18,819+ Square-Feet/Acres Length x Width of ROW: 314'x60' Feet

Closure starts at: E.H. Crmp Boulevard and

Proceeds to East Virginia Avenue

Reason for Closure: Safety concerns with vehicles speeding through causing accidents as well as concerns with breakins.

**PRE-APPLICATION CONFERENCE** - Not more than six (6) months nor less than five (5) working days prior to filing an application, the applicant shall arrange for a mandatory pre-application conference with OPD.

Pre-Application Conference held on: 5/18/2021 with Seth Thomas

I (we) hereby make application for approval of the street/alley closure described above and on the accompanying materials and closure plat. I (we) accept responsibility for any errors or omissions which may result in the postponement of the application being reviewed by the Memphis & Shelby County Land Use Control Board at the next available hearing date. I (We), owner(s) of the above described property hereby authorize the filing of this application and the above named persons to act on my behalf.

Shelby Electric Company, Inc. 7/10/21 [Signature] 7/10/21  
Property Owner of Record\* Date Applicant Date

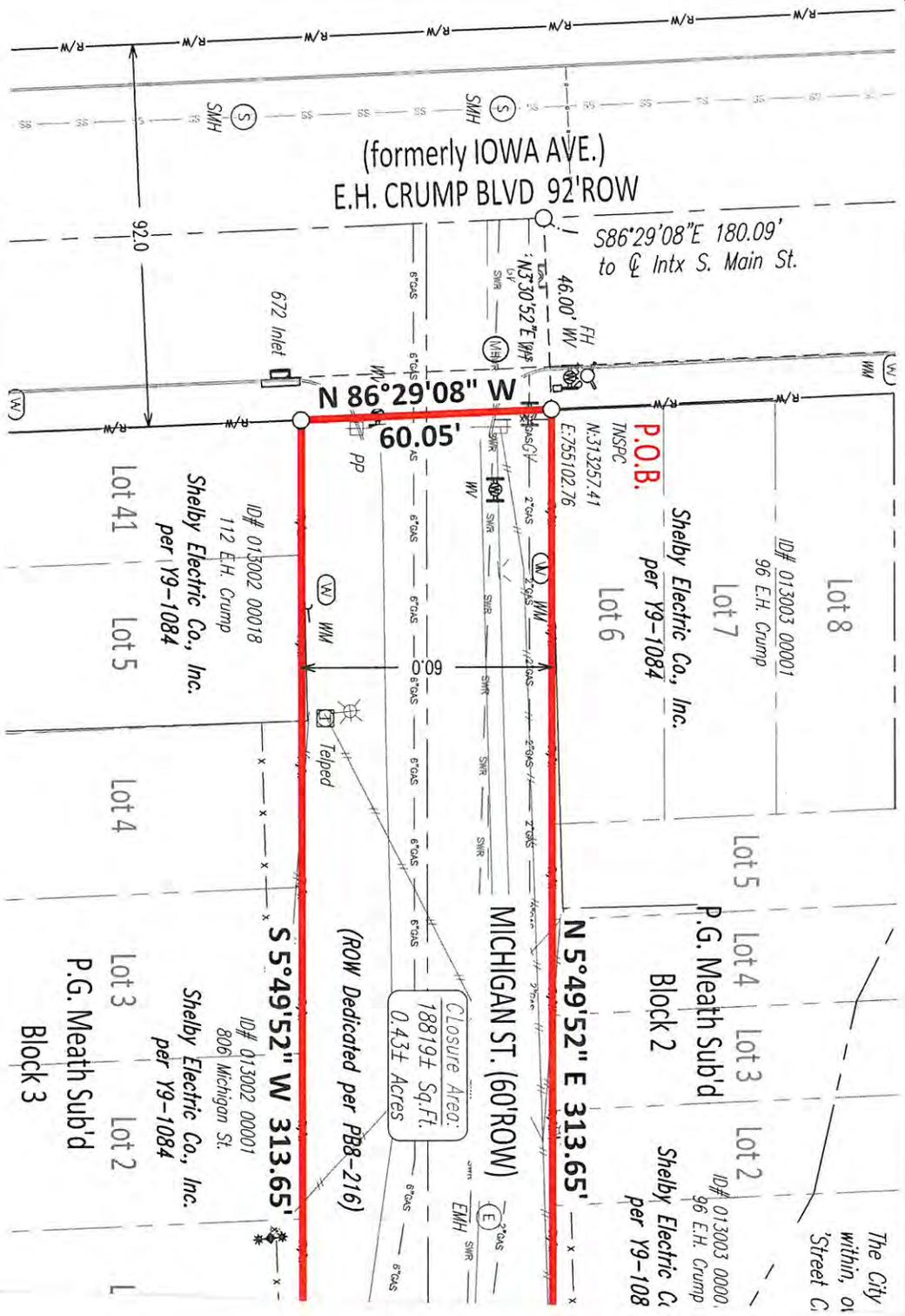
\_\_\_\_\_  
Property Owner of Record\* Date Applicant Date

Every property owner that both abuts the right-of-way to be closed and will be deeded a respective portion shall sign this application unless the signee above is a duly elected representative of a homeowners or property owners association that will be taking ownership of the vacated right of way. See Item H at the bottom of this application for further instructions and exceptions.

Types of Vacation (from Chapter 9.8 of the Unified Development Code)

- 1. Conversions** (public-to-private street conversions, pursuant to Section 5.2.18 of the UDC)  
*Note: street conversions entirely within approved subdivisions or planned developments shall be processed as revisions to the subdivision plat or planned development plat. Please refer to those appropriate applications.*
- 2. Physical closures** (street and alley closures that involve the physical closure of an existing street or alley)
- 3. Abandonment** (divesture of abandoned or excess right-of-way, paper streets, paper alleys and easements)

**SIGN POSTING** – A sign or signs shall be erected on-site no more than 30 days or less than 10 days prior to the date of the Land Use Control Board hearing. See Sub-Section 9.3.4C of the UDC for further details on sign posting.



(formerly IOWA AVE.)  
E.H. CRUMP BLVD 92'ROW

586°29'08"E 180.09'  
to Intx S. Main St.

N 86°29'08" W 60.05'

N.313257.41  
E.755102.76

P.O.B.  
TNSPC

Shelby Electric Co., Inc.  
per Y9-1084

ID# 013003 00001  
96 E.H. Crump

Lot 8

Lot 7

Lot 6

Lot 5

Lot 4

Lot 3

Lot 2

P.G. Meath Subd  
Block 2

Shelby Electric Co.  
per Y9-108

ID# 013003 0000  
96 E.H. Crump

The City  
within, or  
Street C

MICHIGAN ST. (60'ROW)

Closure Area:  
18819± Sq.Ft.  
0.43± Acres

(ROW Dedicated per PB8-216)

S 5°49'52" W 313.65'

ID# 013002 00001  
806 Michigan St.  
Shelby Electric Co., Inc.  
per Y9-1084

Lot 3

P.G. Meath Subd  
Block 3

Lot 2

Lot 4

Lot 5

Lot 41

Shelby Electric Co., Inc.  
per Y9-1084

ID# 013002 00018  
112 E.H. Crump

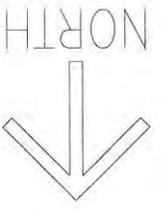
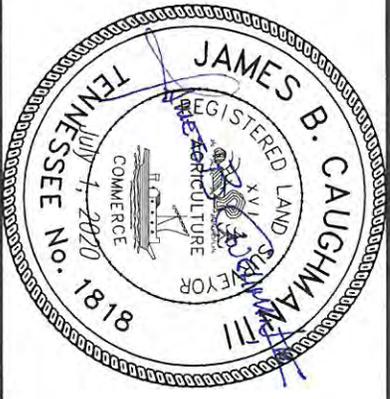
PROPERTY OF:  
The City of Memphis  
Area of MICHIGAN ST.  
to be Closed

ENCUMBERED  
AREA: 0 Sq.Ft.

UNENCUMBERED  
AREA: 18,819± Sq.Ft.

TOTAL

AREA: 18,819± Sq.Ft.



Grid North  
TNSPC, MAD83

Y9 1084  
5

WARRANTY DEED

THIS INDENTURE, made and entered into on this 30<sup>th</sup> day of December 1986 by and between MRS. MARIE EVANS KRAMER, THOMAS E. KRAMER, MRS. DONNA MARIE BROMMER and MRS. BETTY ANN SULLIVAN, party of the first part, and SHELBY ELECTRIC COMPANY, INC., a Tennessee corporation, party of the second part,

WITNESSETH: That for and in consideration of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, the said party of the first part has bargained and sold and does hereby bargain, sell, convey and confirm unto the said party of the second part the following described real estate, situated and being in the County of Shelby, State of Tennessee:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

The parties of the first part are the heirs at law and the named beneficiaries under the Last Will and Testament of Thomas Kramer, deceased, who died a resident of Shelby County, Tennessee on May 21, 1953.

TO HAVE AND TO HOLD the aforesaid real estate, together with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining unto the said party of the second part, its heirs, successors and assigns in fee simple forever.

The said party of the first part does hereby covenant with the said party of the second part that it is lawfully seized in fee of the aforescribed real estate; that it has a good right to sell and convey the same; that the same is unencumbered, except for easements of record, and that the title and quiet possession thereto it will warrant and forever defend against the lawful claims of all persons.

The word "party" as used herein shall mean "parties" if it refers to more than one person or entity, and pronouns shall be construed according to their proper gender and number according to the context hereof.

WITNESS the signature of the party of the first part the day and year first above written.

X Mrs Marie Evans Kramer  
MRS. MARIE EVANS KRAMER

Thomas E. Kramer  
THOMAS E. KRAMER

Mrs. Donna Marie Brommer  
MRS. DONNA MARIE BROMMER

Mrs. Betty Ann Sullivan  
MRS. BETTY ANN SULLIVAN

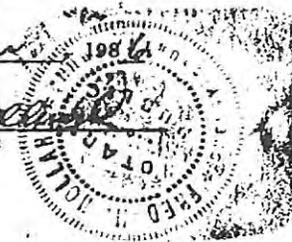
STATE OF TENNESSEE, COUNTY OF SHELBY

Personally appeared before me, a Notary Public in and for said State and County, MRS. MARIE EVANS KRAMER, the within named bargainer, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that she executed the within instrument for the purposes therein contained.

WITNESS my hand, at office, this 30<sup>th</sup> day of December, 1986

Fred M. Hall  
Notary Public

My commission expires: My Commission Expires July 26, 1988



Y9 1084

**EXHIBIT "A" LEGAL DESCRIPTION  
(KRAMER FAMILY PROPERTY)**

Lots 1, 2, 4, 5, 6, 7, and 8, Block 2, P.G. Meath Subdivision which lots are more particularly described as follows:

Lot 1: Beginning at a point in the West line of Michigan Avenue 192 feet North of the North line of Iowa Avenue said point being the Northeast corner of Lot 2, Block 2, of P.G. Meath Subdivision which lot was conveyed to Thomas Kramer by Warranty Deed in Book 1849, Page 434 in the Office of Register of Shelby County, Tennessee; then Westwardly along Kramer's North line 62 feet more or less to the center of Gayoso Bayou; thence Northeastwardly along said Bayou to the intersection of the center of the Bayou with the West line of Michigan Street; thence Southwardly along the West line of Michigan Street 120 feet more or less to said Kramer's Northeast corner the point of beginning, being the same property conveyed to Thomas Kramer by Special Warranty Deed dated July 18, 1949 and recorded in Book 2399, Page 108 in the Register's Office of Shelby County, Tennessee.

Lot 2: Beginning at a stake in the West line of Michigan Street 169 feet Northwardly along said West line from its intersection with the North line of East Iowa Avenue, running thence Northwardly along the West line of Michigan Street 23 feet to a stake; thence Westwardly and parallel to East Iowa Avenue 62 feet to a point in the middle of Gayoso Bayou; thence Southwardly along the middle of the Gayoso Bayou 23.6 feet to a point; thence Eastwardly and parallel to East Iowa Avenue 67.3 feet to the point of beginning; being a part of the same property conveyed to Thomas Kramer by Deed recorded in Book 1849, Page 434 in the Register's Office of Shelby County, Tennessee.

Lot 4: Beginning at a stake in the West line of Michigan Street 123 feet Northwardly along said West line from its intersection with the North line of East Iowa Avenue, running thence Northwardly along the West line of Michigan Street 23 feet to a stake; thence Westwardly and parallel to East Iowa Avenue 72.5 feet to a point in the middle Gayoso Bayou; thence Southwestwardly along the middle of Gayoso Bayou 25.9 feet to a point; thence Eastwardly and parallel to East Iowa Avenue 84.5 feet to the point of beginning, being a part of the same property conveyed to Thomas Kramer in Deed recorded in Book 1849, Page 434 in the Register's Office of Shelby County, Tennessee.

Lot 5: Beginning at a point in the West line of Michigan Street 100 feet Northwardly from the North line of East Iowa Avenue, thence Northwardly along the West line of Michigan Street 23 feet to a point; thence Westwardly parallel to East Iowa Avenue 84.5 feet to a point in the middle of Gayoso Bayou, said point being the Northeast corner of Lot 5 in Block 1 of said Subdivision; thence Southwestwardly along the middle line of said Bayou and the East line of said Lot 5 in Block 1, 25.9 feet to the Southeast corner of said Lot 5 in Block 1; thence Eastwardly 96.5 feet (more or less) to the point of beginning, being the same property conveyed to Thomas Kramer by Deed recorded in Book 1943, Page 490 in the Register's office of Shelby County, Tennessee.

Lot 6: Beginning at a stake at the intersection of the West line of Michigan Street with the North line of East Iowa Avenue, running thence Westwardly along the North line of East Iowa 26.6 feet to a point; thence Northwardly and parallel to Michigan Street 100 feet to a point in the South line of Lot 5 of said P.G. Meath Estate; thence Eastwardly

Y9 1084

thence Westwardly with said North line 148 feet to the point of beginning, being the same property conveyed to Thomas Kramer by Deed of Record at Book 1151, Page 556 in the Register's Office of Shelby County, Tennessee.

Lot 5 in Block 4 of the P.G. Meath Subdivision which Lot is more particularly described as follows:

Beginning at a point in the North line of East Iowa Avenue 355 feet Eastwardly along said North line from its intersection with the East line of Michigan Street; running thence Eastwardly along the North line of East Iowa Avenue 57.5 feet to an iron stake; thence Northwardly and parallel to Michigan Street 150 feet to an iron stake in the South line of 20 foot alley; thence Westwardly along the South line of said alley 57.5 feet to an iron stake; thence Southwardly 150 feet to the point of beginning, being a part of the same property conveyed to Thomas Kramer by Deed recorded in Book 1849, Page 434 in the Register's Office of Shelby County, Tennessee.

In addition to the above described property, there is also conveyed hereby all interest in the alleys shown on the plat of P.G. Meath Subdivision, adjacent to the above described property.

Excluded from this conveyance is any property previously conveyed to or taken by governmental authority for the widening of E.H. Crump Blvd., formerly known as East Iowa Avenue.

7-01084

STATE TAX 672.00  
REGISTER'S FEE 50  
RECORDING FEE 15.00  
Jan 2 12 53 PM '07 <sup>687.50</sup>

STATE OF TENNESSEE  
SHELBY COUNTY  
*[Signature]*  
REGISTER

ENV  
672.00  
15.00  
687.50



FR 7981  
MEMPHIS TITLE  
38018

*Return to*  
**WARRANTY DEED**  
This Instrument Prepared by: J. Terry Pitts, Attorney, 65 Germantown Court, Suite 100, Cordova, TN

THIS INDENTURE, made and entered into this 6th day of February, 19 96 by and between  
DARRYL L. HAWKINS, party of the first part, and  
MICHAEL E. JONES, and wife, Nancy K. Jones of the second part.

WITNESSETH: That for and in consideration of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, the said part y of the first part ha s bargained and sold and do es hereby bargain, sell, convey and confirm unto the said part y of the second part of the following described real estate, situated and being in Memphis the County of Shelby, State of Tennessee.

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

Being the same property conveyed to the grantor herein by Warranty Deed of record by Instrument No. DS 4096, said Register's Office of Shelby County, Tennessee.

TO HAVE AND TO HOLD The aforesaid real estate, together with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining unto the said part y of the second part, his heirs and assigns in fee simple forever.

And the said part y of the first part do es hereby covenant with the said part y of the second part that he is lawfully seized in fee of the aforescribed real estate: that he has a good right to sell and convey the same: that the same is unencumbered, except for 1996 city and county taxes, not yet due and payable;

And that the title and quiet possession thereto he will warrant and forever defend against the lawful claims of all persons.

WITNESS THE SIGNATURE \_\_\_\_\_ of the said part y of the first part of the day and year first above written.

Darryl L. Hawkins  
DARRYL L. HAWKINS

STATE OF TENNESSEE, COUNTY OF SHELBY

Before me, the undersigned Notary Public in and for the County and State aforesaid, personally appeared DARRYL L. HAWKINS with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged to be the person \_\_\_\_\_ within named and that \_\_\_\_\_ he \_\_\_\_\_ executed the foregoing instrument for the purpose therein contained.

Witness my hand and seal, this 6th day of February, 19 96  
My commission expires 25 day of March, 19 97  
Danella Z. Pitts  
Notary Public

STATE OF TENNESSEE, COUNTY OF SHELBY

I, or we, hereby swear or affirm that to the best of affiants knowledge, information, and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater is, \$ 50,000.00, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

Melanie B. Oglesby (agent)  
Affiant  
Subscribed and sworn to before me this the 6th day of February, 19 96  
Danella Z. Pitts  
Notary Public  
My commission expires 25 day of March, 19 97

The following information is not a part of this Deed.  
Property Address 810 South Main, Memphis, TN 38103  
Ward 012 District \_\_\_\_\_ Block 076 Parcel 00003C  
Mail Tax Bill to  
PROPERTY OWNER: MICHAEL E. JONES  
AT: 6881 Water Point Cove  
Memphis, TN. 38141  
MF 170913



Shelby Electric Co. Inc.  
PO Box 157  
Memphis, TN 38101

Shelby Electric Co. Inc.  
PO Box 157  
Memphis, TN 38101

Shelby Electric Co. Inc.  
PO Box 157  
Memphis, TN 38101

Michael E. & Nancy K. Jones  
1624 Imboden Cove  
Nesbit, MS 38651

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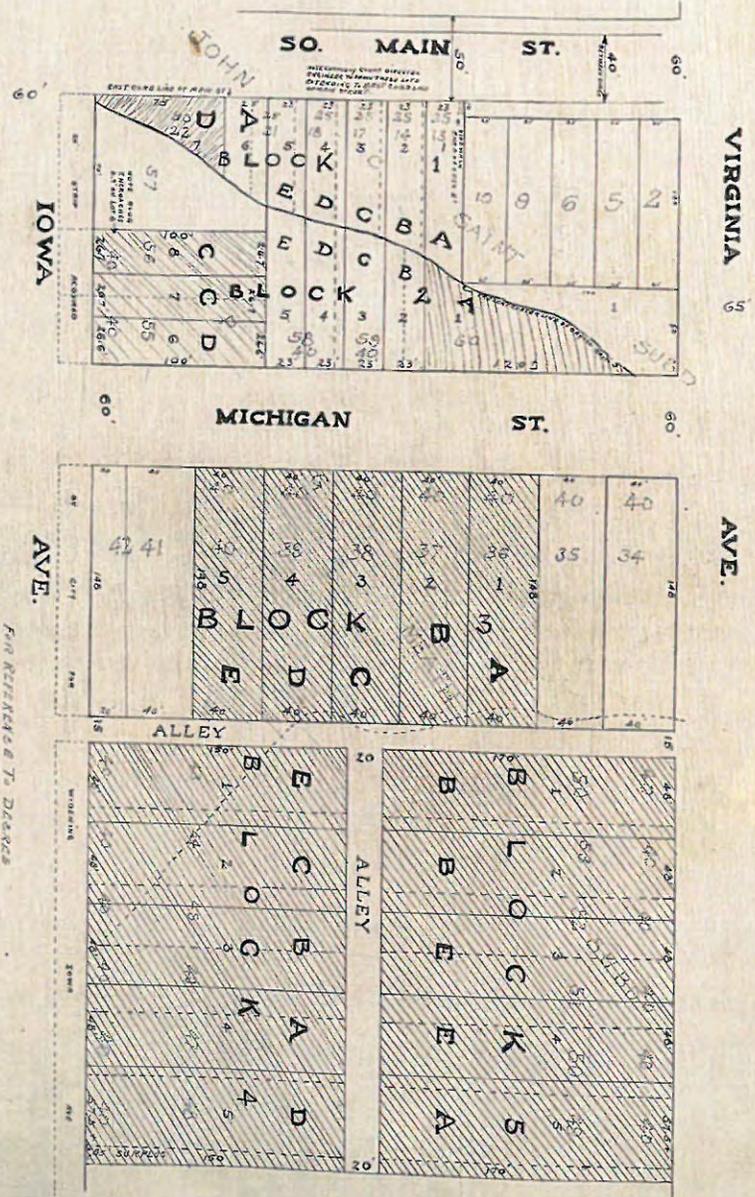
Shelby Electric Co. Inc.  
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PO Box 157  
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1624 Imboden Cove  
Nesbit, MS 38651

EXHIBIT X  
TO REPORT OF DEDICATION



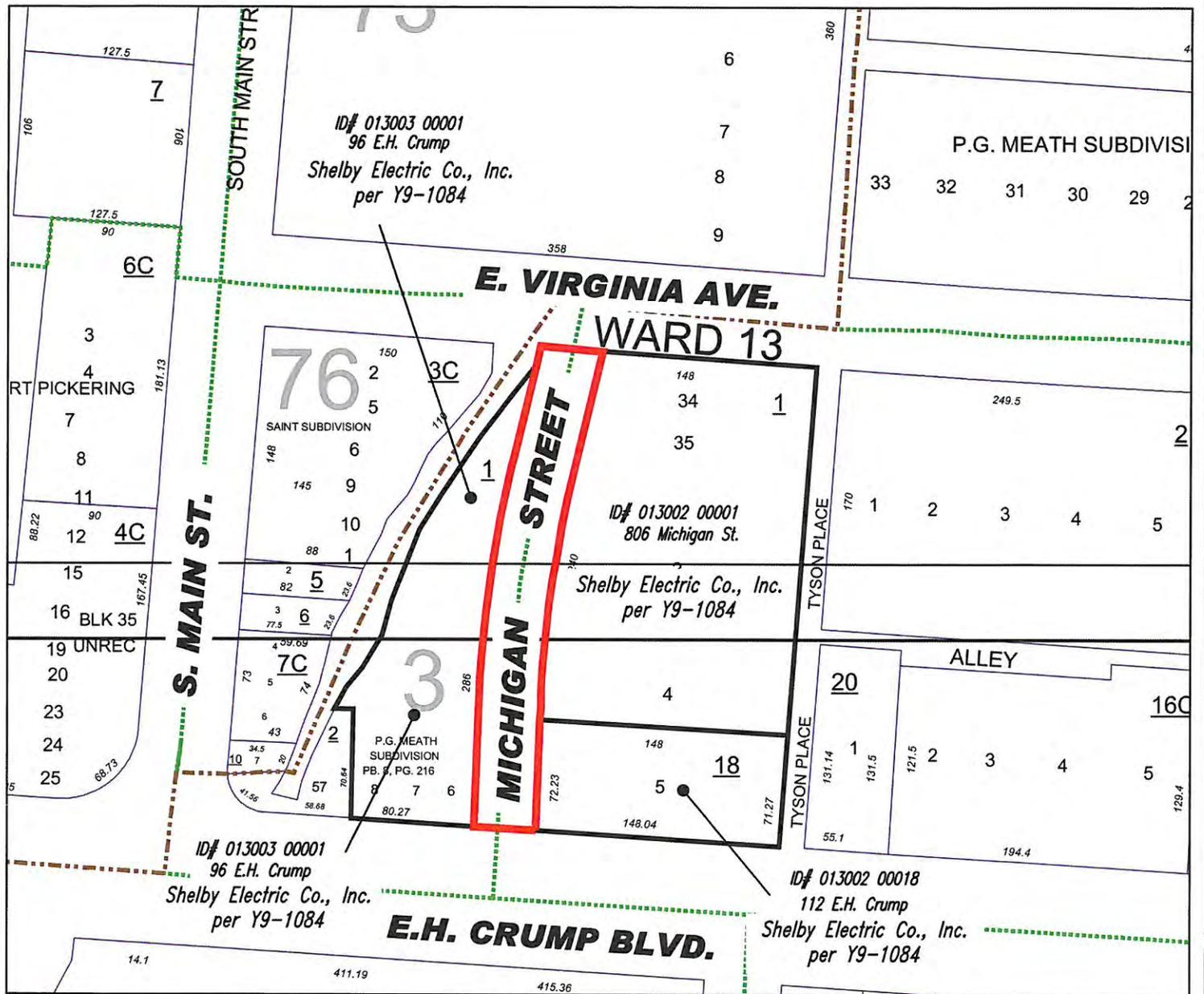
COMMISSIONERS DIVISION  
OF THE P. G. MEATH ESTATE

COMMISSIONERS  
A. H. PRINCE  
IRVIN F. GENDRON  
E. D. LAMINSTER

FOR REFERENCE TO DEDICATION  
SEE PAGE 157 PAGES 274

JOS. P. CAREY  
CIVIL ENGINEER

216



**VICINITY MAP**  
(NOT TO SCALE)



**STREET CLOSURE OF  
MICHIGAN STREET  
BETWEEN E.H. CRUMP BOULEVARD AND EAST VIRGINIA AVENUE**

Being all that portion of Michigan Street location north of E.H. Crump Boulevard (formerly Iowa Avenue) and south of East Virginia Avenue as shown on the 'Commissioners Division of the P.G. Meath Estate' as recorded in Plat Book 8, Page 216 at the Shelby County Register's Office, City of Memphis, State of Tennessee being more particularly described by metes and bounds as follows:

Commencing at the centerline intersection of E.H. Crump Boulevard (92'ROW) and South Main Street (60'ROW); thence with a portion of the centerline of said E.H. Crump Boulevard, South 86°29'08" East a distance of 180.09' to a point; thence departing from and perpendicular to said centerline, North 03°30'52" East a distance of 46.00' to the intersection of the north right of way line of said E.H. Crump Boulevard with the west right of way line of Michigan Street (60'ROW) and being the **TRUE POINT OF BEGINNING** (TNSPC N:313257.41, E:755102.76); thence with said west right of way line of Michigan Street, North 05°49'52" East a distance of 313.65' to the intersection with the south right of way line of East Virginia Avenue (65'ROW); thence departing from said west right of way line with the easterly prolongation of said south right of way line, South 86°29'08" East a distance of 60.05' to the intersection with the east right of way line of said Michigan Street; thence departing from said south right of way line with said east right of way line of Michigan Street, South 05°49'52" West a distance of 313.65' to the intersection with said north right of way line of E.H. Crump Boulevard; thence with the westerly prolongation of said north right of way line, North 86°29'08" West a distance of 60.05' to said **TRUE POINT OF BEGINNING**.

Said described portion of Michigan Street containing 18,819 square feet or 0.43 acres, more or less.

**CITY OF MEMPHIS  
COUNCIL AGENDA CHECK OFF SHEET**

**ONE ORIGINAL  
ONLY STAPLED  
TO DOCUMENTS**

**Planning & Development  
DIVISION**

**Planning & Zoning COMMITTEE: 10/19/2021**

*DATE*

**PUBLIC SESSION: 10/19/2021**

*DATE*

**ITEM (CHECK ONE)**

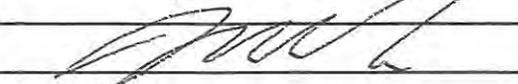
ORDINANCE       CONDEMNATIONS       GRANT ACCEPTANCE / AMENDMENT  
 RESOLUTION       GRANT APPLICATION       REQUEST FOR PUBLIC HEARING  
 OTHER: \_\_\_\_\_

**ITEM DESCRIPTION:** A resolution approving a street closure and vacation  
**CASE NUMBER:** SAC 21-7  
**DEVELOPMENT:** Right-of-way closure and vacation  
**LOCATION:** East-west public street immediately east of the intersection of the east line of Henderson Street with the west line of Hindman Avenue  
**COUNCIL DISTRICTS:** District 7 and Super District 8 – Positions 1, 2, and 3  
**OWNER/APPLICANT:** MIM LLC  
**REPRESENTATIVES:** Dedrick Brittenum, Jr.  
**EXISTING ZONING:** Residential Single-Family – 15 (R-15)  
**REQUEST:** Close and vacate public right-of-way of an east-west public street  
**AREA:** 0.099 acres  
**RECOMMENDATION:** The Division of Planning and Development recommended *Approval with conditions*  
The Land Use Control Board recommended *Approval with conditions*  
**RECOMMENDED COUNCIL ACTION:** **No Public Hearing Required**  
Set public hearing date for – October 19, 2021

**PRIOR ACTION ON ITEM:**  
(1) \_\_\_\_\_ APPROVAL - (1) APPROVED (2) DENIED  
09/09/2021 \_\_\_\_\_ DATE  
(1) Land Use Control Board \_\_\_\_\_ ORGANIZATION - (1) BOARD / COMMISSION  
(2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

**FUNDING:**  
(2) \_\_\_\_\_ REQUIRES CITY EXPENDITURE - (1) YES (2) NO  
\$ \_\_\_\_\_ AMOUNT OF EXPENDITURE  
\$ \_\_\_\_\_ REVENUE TO BE RECEIVED  
**SOURCE AND AMOUNT OF FUNDS**  
\$ \_\_\_\_\_ OPERATING BUDGET  
\$ \_\_\_\_\_ CIP PROJECT # \_\_\_\_\_  
\$ \_\_\_\_\_ FEDERAL/STATE/OTHER

**ADMINISTRATIVE APPROVAL:**

	<u>DATE</u>	<u>POSITION</u>
	<u>9/21/2021</u>	MUNICIPAL PLANNER
_____	_____	DEPUTY ADMINISTRATOR
	<u>Sept 21, 2021</u>	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	<b>CHIEF ADMINISTRATIVE OFFICER</b>
_____	_____	<b>COMMITTEE CHAIRMAN</b>



## Memphis City Council Summary Sheet

### **SAC 21-7**

Resolution requesting to close and vacate part of Hindman Avenue, an east-west public street located immediately east of the intersection of the east line of Henderson Street with the west line of Hindman Avenue:

- This item is a resolution with conditions to allow the above; and
- The Division of Planning & Development at the request of the Owner/Applicant(s): MIM LLC and Representative(s): Dedrick Brittenum, Jr.; and
- This item may require a new public improvement contract.



## RESOLUTION

**A resolution approving the closure of part of Hindman Avenue, an east-west public street located immediately east of the intersection of the east line of Henderson Street with the west line of Hindman Avenue, known as case number SAC 21-7.**

**WHEREAS**, the City of Memphis is the owner of real property known as Hindman Avenue, the east-west public right-of-way east of Henderson Street in Memphis, Tennessee and being more particularly described as follows:

Beginning at a nail set at the intersection of the centerline of Hindman Avenue (40' wide) and the east line of Henderson Street (50' wide) having TN state plane coordinates (NAD83) of N:337602.08, E:769901.92; thence along the centerline of Hindman easterly with a bearing of S 86°07'05" E a distance of 215.00 feet to an iron pin set; thence southerly with a bearing of S 03°14'55" W a distance of 20.00 feet to a point; thence westerly along the southerly line of Hindman Avenue with a bearing of N 86°07'05" W a distance of 215.00 feet to a point; thence northerly with a bearing of N 03°14'55" E a distance of 20.00 feet to the point of beginning; containing 4300.00 square feet or 0.099 acres more or less.

**WHEREAS**, the City of Memphis has reviewed the recommendation of the Land Use Control Board and the report and recommendation of the Division of Planning and Development and desires to close the hereinabove described public right-of-way and it is deemed to be in the best interest of the City of Memphis that said public right-of-way be vacated, and revert to the abutting property owner(s); and

**WHEREAS**, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on September 9, 2021, and said Board has submitted its findings and recommendation to the Council of the City of Memphis subject to the following conditions:

1. Any existing sanitary sewers, drainage facilities, or other utilities shall be relocated at the applicant's expense or overlaid with an easement.
2. The applicant shall comply with all conditions of the closure within three years of the conditional approval of the closure by the Council of the City of Memphis.
3. If the owner of Tax Parcel 070028 00015 is able to sign the closure agreement within the three-year conditional approval time, that section of this street closure may be approved

administratively through the submittal of a closure plat to the City of Memphis Real Estate Department.

**NOW THEREFORE BE IT RESOLVED**, by the Council of the City of Memphis that the above described public right-of-way be and is hereby closed for public use, subject to the aforementioned conditions.

**BE IT FURTHER RESOLVED**, that the Mayor is hereby authorized to execute all Quitclaim Deed(s) to the owners of the properties abutting on the above described public right-of-way, said Deeds not to be delivered until the conditions herein stated have been met by applicant.

**BE IT FURTHER RESOLVED**, that a copy of this resolution be sent to the Lawyers Title Insurance Company, the Memphis Title Company, the Chicago Title Company, the Security Title Company and the Shelby County Property Assessor's Office.



## **LAND USE CONTROL BOARD RECOMMENDATION**

At its regular meeting on **Thursday, September 9, 2021**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

<b>CASE NUMBER:</b>	SAC 21-7
<b>LOCATION:</b>	East-west public street immediately east of the intersection of the east line of Henderson Street with the west line of Hindman Avenue
<b>COUNCIL DISTRICT(S):</b>	District 7 and Super District 8 – Positions 1, 2, and 3
<b>OWNER/APPLICANT:</b>	MIM LLC
<b>REPRESENTATIVE:</b>	Dedrick Brittenum, Jr.
<b>REQUEST:</b>	Close and vacate public right-of-way of an east-west public street
<b>EXISTING ZONING:</b>	Residential Single-Family – 15 (R-15)
<b>AREA:</b>	0.099 acres

---

**The following spoke in support of the application:** None

**The following spoke in opposition of the application:** None

The Land Use Control Board reviewed the application and the staff report. A motion was made and seconded to recommend approval with conditions of the application.

**The motion passed by a unanimous vote of 9-0 on the consent agenda.**

Respectfully,



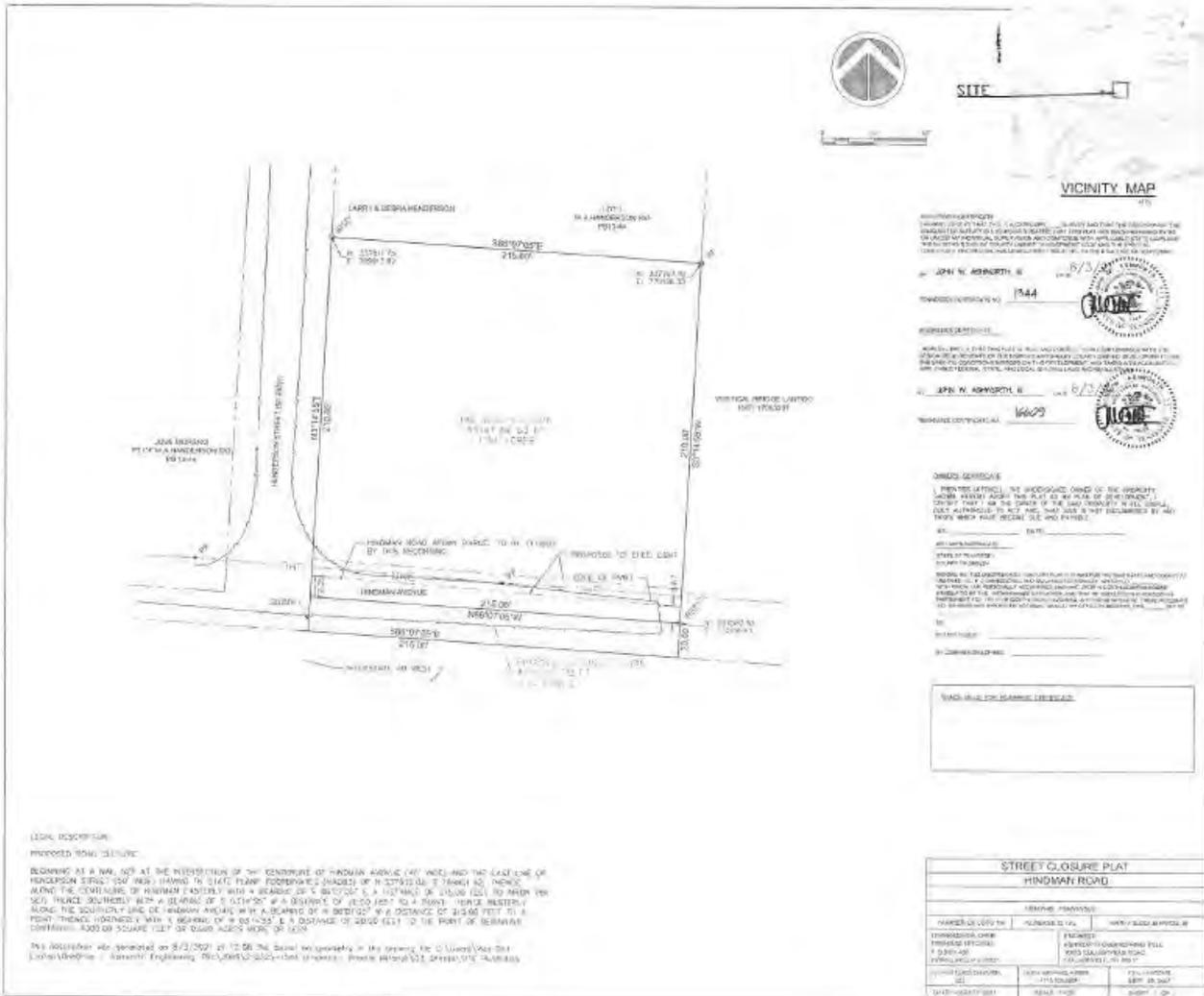
Clarke Shupe-Diggs  
Municipal Planner  
Land Use and Development Services  
Division of Planning and Development

Cc: Committee Members  
File

**SAC 21-7**  
**CONDITIONS**

1. Any existing sanitary sewers, drainage facilities, or other utilities shall be relocated at the applicant's expense or overlaid with an easement.
2. The applicant shall comply with all conditions of the closure within three years of the conditional approval of the closure by the Council of the City of Memphis.
3. If the owner of Tax Parcel 070028 00015 is able to sign the closure agreement within the three-year conditional approval time, that section of this street closure may be approved administratively through the submittal of a closure plat to the City of Memphis Real Estate Department.

# CLOSURE PLAT



**SITE**

**VICINITY MAP**

**APPROVED FOR THE CITY OF CHICAGO**

**APRIL M. ARMSTRONG, E.** 8/3/21

**CHICAGO**

**APPROVED FOR THE CITY OF CHICAGO**

**APRIL M. ARMSTRONG, E.** 8/3/21

**CHICAGO**

**CHICAGO**

STREET CLOSURE PLAT			
HINDMAN ROAD			
OWNER'S PROPERTY			
PARCEL ID (CITY TR)	POLYLINE ID (C)	AREA (SQUARE FEET)	PERCENTAGE OF TOTAL
1544	1544	1544	100%



**MEMPHIS AND  
SHELBY COUNTY** **DIVISION OF PLANNING  
AND DEVELOPMENT**

City Hall – 125 N. Main Street, Suite 468 – Memphis, Tennessee 38103 – (901) 636-6619

September 10, 2021

MIM LLC  
PO Box 488  
Horn Lake, MS 38637

*Sent via electronic mail to: MIMLLCMEMPHIS@GMAIL.COM*

Case Number: SAC 21-7  
LUCB Recommendation: Approval with conditions

Dear applicant,

On Thursday, September 9, 2021, the Memphis and Shelby County Land Use Control Board recommended **approval** of your right-of-way vacation application to close a portion of Hindman Avenue, east of Henderson Street, subject to the following conditions:

1. Any existing sanitary sewers, drainage facilities, or other utilities shall be relocated at the applicant's expense or overlaid with an easement.
2. The applicant shall comply with all conditions of the closure within three years of the conditional approval of the closure by the Council of the City of Memphis.
3. If the owner of Tax Parcel 070028 00015 is able to sign the closure agreement within the three-year conditional approval time, that section of this street closure may be approved administratively through the submittal of a closure plat to the City of Memphis Real Estate Department.

The application will be forwarded, for final action, to the Council of the City of Memphis. The Council will review your application in a committee meeting prior to voting on it in a public hearing. The applicant or the applicant's representative(s) shall be in attendance at all meetings and hearings.

It is the applicant's responsibility to contact the City Council Records Office to determine when the application is scheduled to be heard at committee and in public session. The City Council Records Office may be reached at (901) 636-6792.

If for some reason you choose to withdraw your application, a letter should be mailed to the Land Use and Development Services Department of the Division of Planning and Development at the address provided above or emailed to the address provided below.

**Letter to Applicant**  
**SAC 21-7**

If you have questions regarding this matter, please feel free to contact me at (901) 636-6619 or via email at Clarke.Shupe.Diggs@memphistn.gov.

Respectfully,

A handwritten signature in black ink, appearing to read "Clarke Shupe-Diggs". The signature is written in a cursive, flowing style.

Clarke Shupe-Diggs  
Municipal Planner  
Land Use and Development Services  
Division of Planning and Development

Cc: Dedrick Brittenum, Jr., Brittenum Law PLLC  
File

AGENDA ITEMS: 13 & 17

**CASE NUMBER:** Z 2021-12 & SAC 2021-07      **L.U.C.B. MEETING:** September 9, 2021

**LOCATION:** Northeast corner of Hindman Avenue and Henderson Street

**COUNCIL DISTRICT:** District 7 and Super District 8 – Positions 1, 2, and 3

**OWNER/APPLICANT:** MIM LLC

**REPRESENTATIVE:** Dedrick Brittenum, Jr.

**REQUEST:** Rezoning of +/-1.037 acres from Residential Single-Family – 6 (R-6) to Commercial Mixed-Use – 3 (CMU-3) and physical closure of a portion of Hindman Avenue, east of Henderson Street

**AREA:** +/-1.037 acres

**EXISTING ZONING:** Residential Single-Family – 6 (R-6) and, for the existing right-of-way of Hindman Avenue, Residential Single-Family – 15 (R-15)

## CONCLUSIONS

1. The request is to rezone 1.04 acres from Residential Single-Family – 6 (R-6) to Commercial Mixed-Use – 3 (CMU-3) and to physically close a portion of Hindman Avenue, east of Henderson Street.
2. The subject property is currently vacant, and the underlying purpose of the rezoning request is to develop and improve the site for future commercial use.
3. This rezoning request is inconsistent with the Memphis 3.0 General Plan, which calls for the preservation and maintenance of the existing single-family housing stock present in the surrounding neighborhood. Additionally, the availability of adequate police services, fire services, school, road, park, wastewater treatment, water supply and storm water drainage facilities for the proposed zoning is limited. In view of these issues, Staff believes that an intensification of development at this location may adversely impact the quality of life in the surrounding neighborhood.
4. The applicant is further seeking to close and vacate right-of-way of a portion of Hindman Avenue, east of Henderson street. The subject right-of-way is mostly unimproved, terminating in a circular dead end.
5. Staff finds the request to rezone the subject property from R-6 to CMU-3 is an inappropriate zoning district for the area that is incompatible with the surrounding land uses. However, staff agrees that the closure of the adjacent subject right-of-way would not have any undue or substantial effect upon the existing vehicular and pedestrian traffic flow of the surrounding area.

## CONSISTENCY WITH MEMPHIS 3.0

This proposal is inconsistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 13-14 of this report.

## RECOMMENDATION

*Rejection of CMU-3  
Approval of OG*

*Approval of the Physical Closure of Hindman Avenue with Conditions*

**GENERAL INFORMATION**

**Street Frontage:** Henderson Street +/-166.8 linear feet  
**Zoning Atlas Page:** 1830  
**Parcel ID:** 070028 00016  
**Existing Zoning:** Residential Single-Family – 6 (R-6) and Residential Single-Family – 15 (R-15)

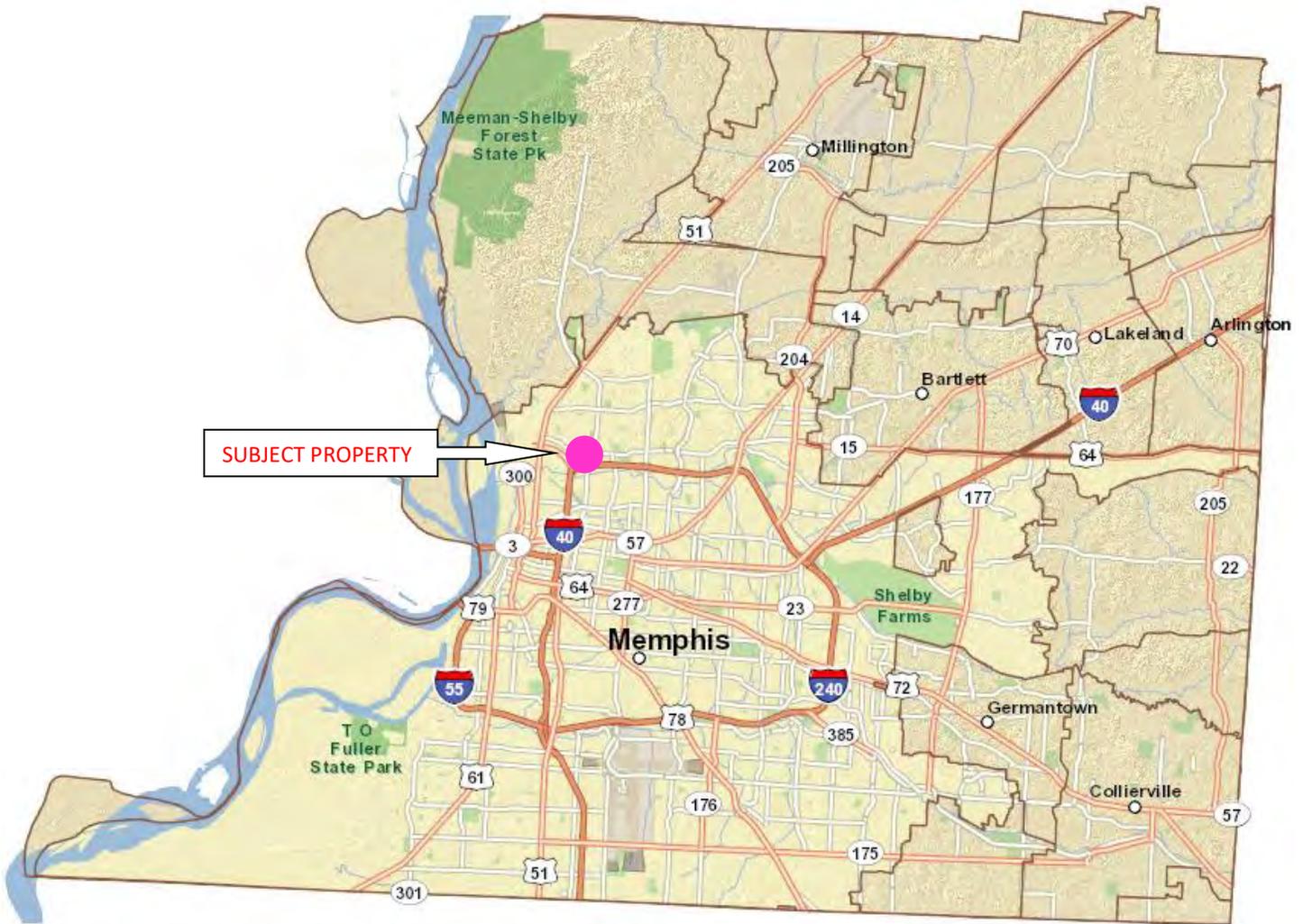
**NEIGHBORHOOD MEETING**

The meeting was held at 12:00 PM on Wednesday, August 25, 2021, at the intersection of Hindman Avenue and Henderson Street.

**PUBLIC NOTICE**

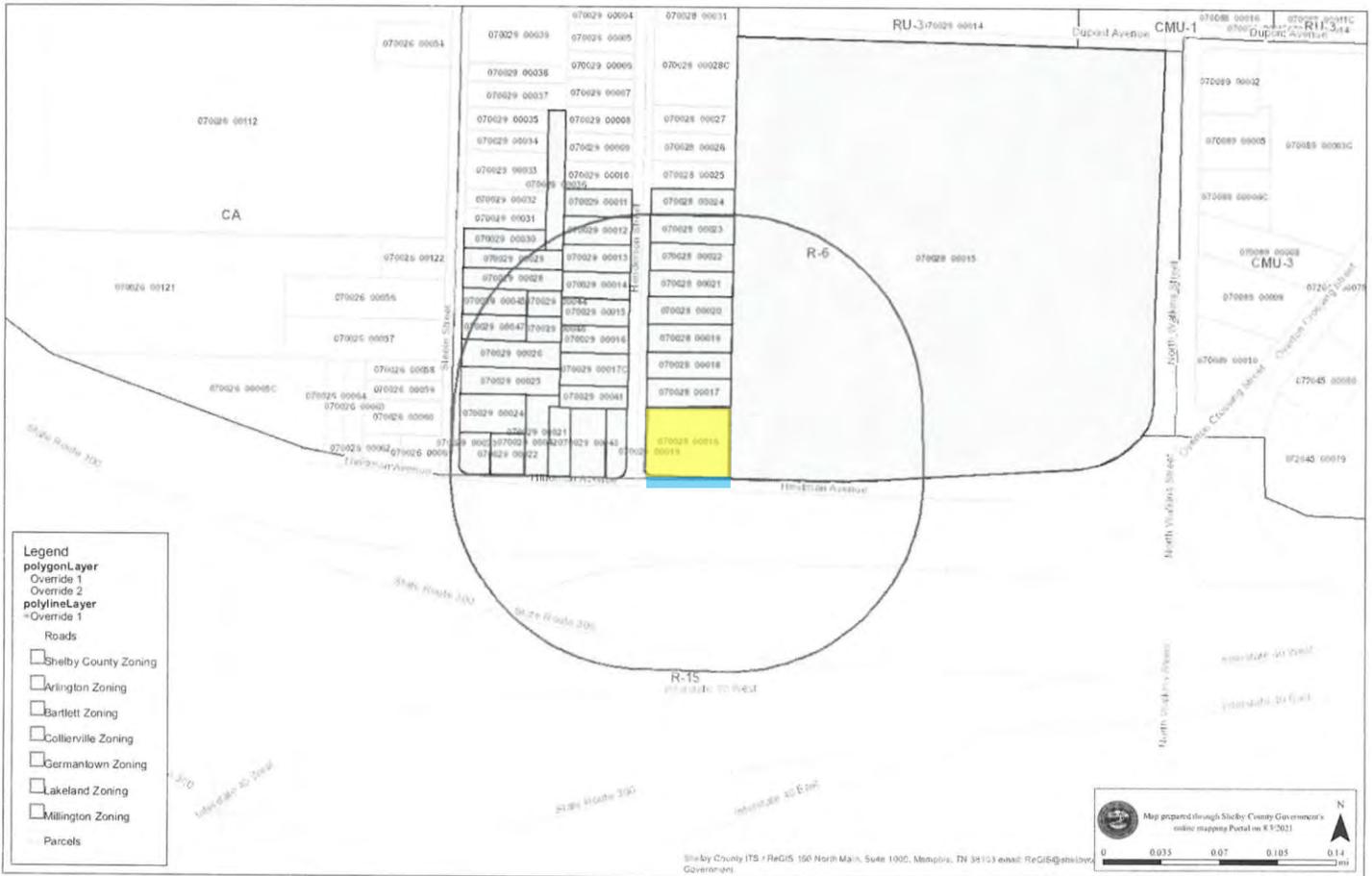
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 59 notices (34 notices for Z 21-12; 25 notices for SAC 21-7) were mailed on August 27, 2021, a total of 1 sign was posted at the subject property, and a total of 1 sign was posted on the end of the right-of-way to be closed and vacated. The sign affidavits have been added to this report.

**LOCATION MAP**



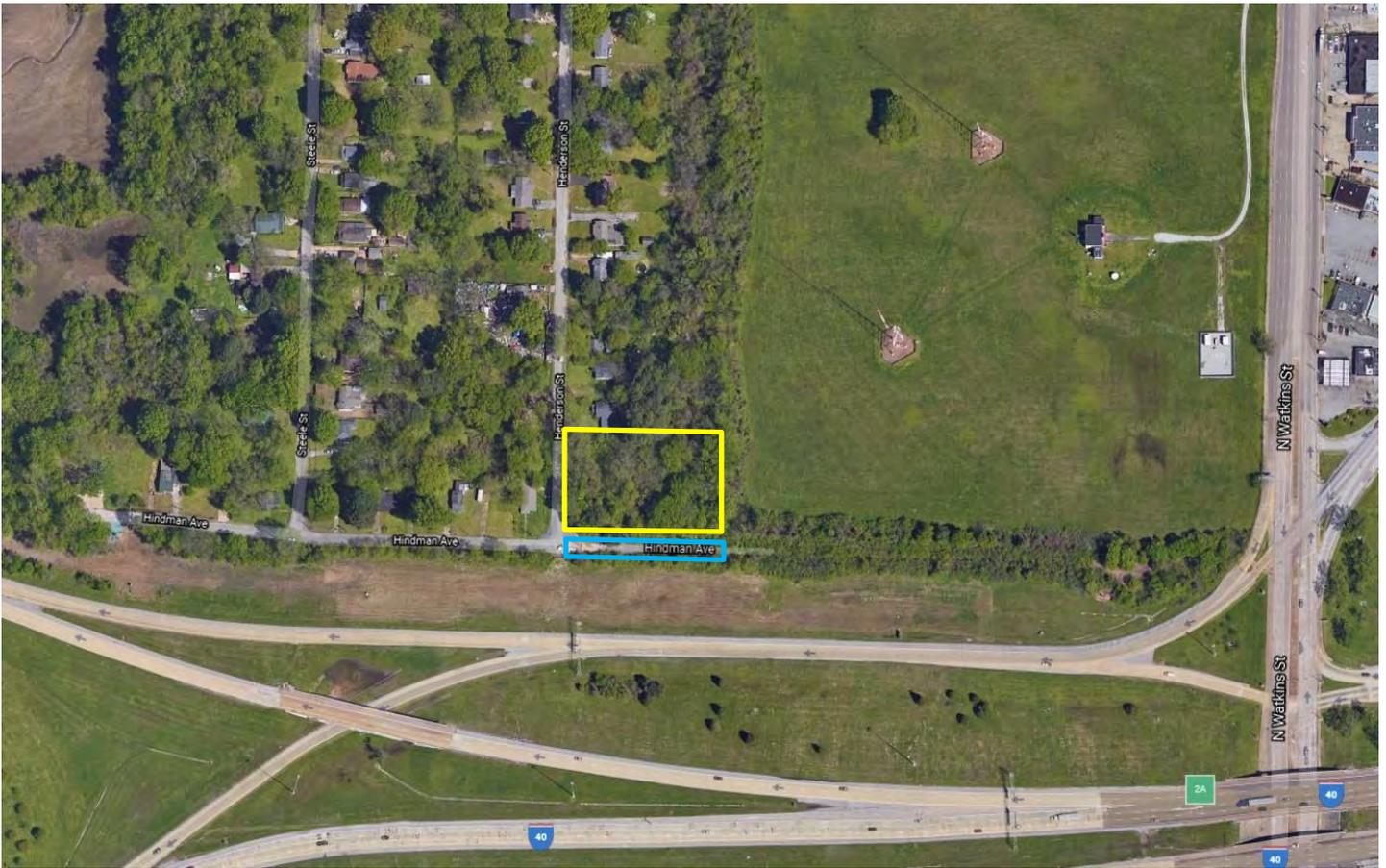
Subject property located within the pink circle, Frayser neighborhood

VICINITY MAP



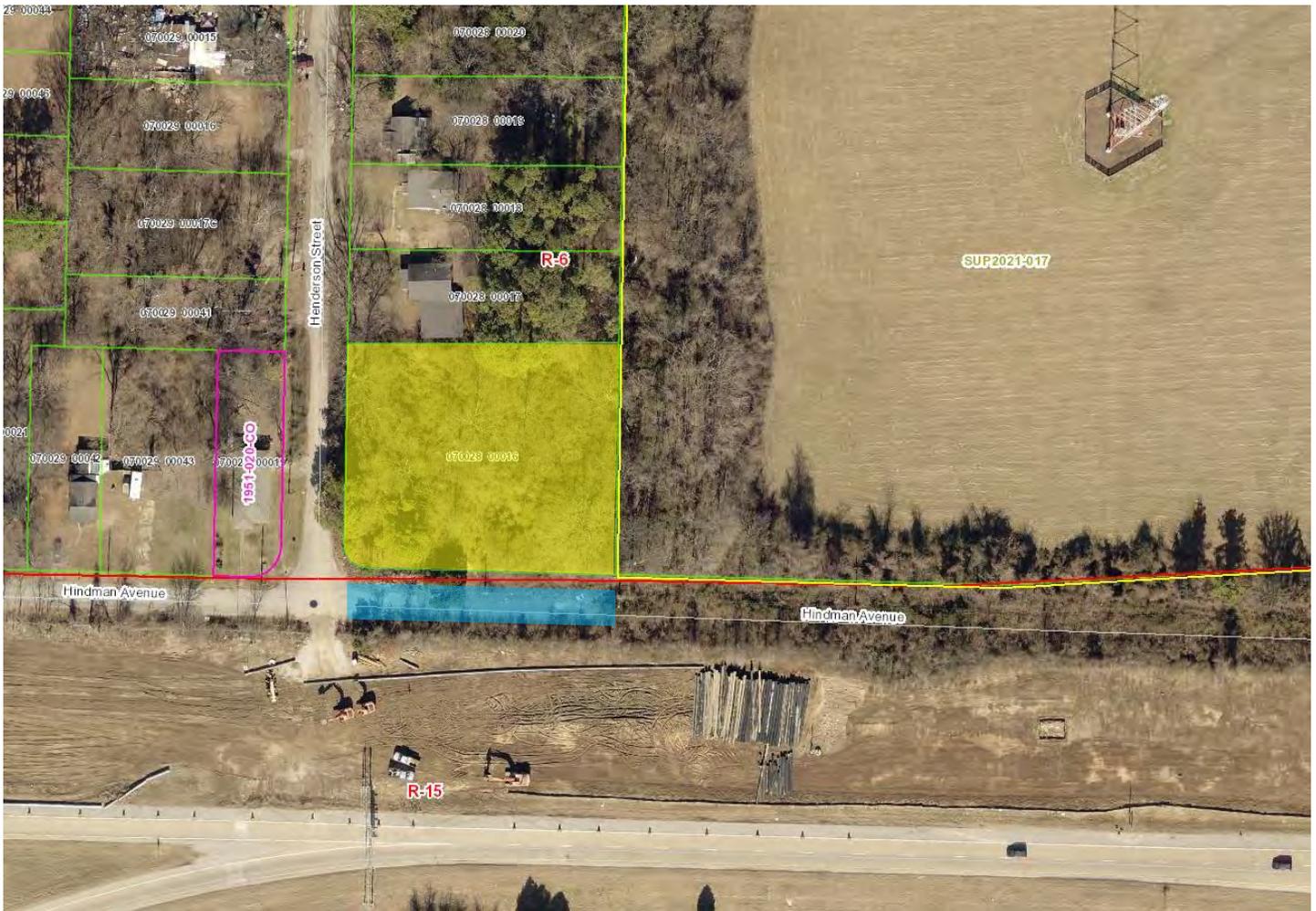
Subject property highlighted in yellow; subject right-of-way highlighted in blue

**AERIAL**



Subject property outlined in yellow; subject right-of-way highlighted in blue

**ZONING MAP**



Subject property highlighted in yellow; subject right-of-way highlighted in blue

**Existing Zoning:** Residential Single-Family – 6 (R-6) and Residential Single-Family – 15 (R-15)

**Surrounding Zoning**

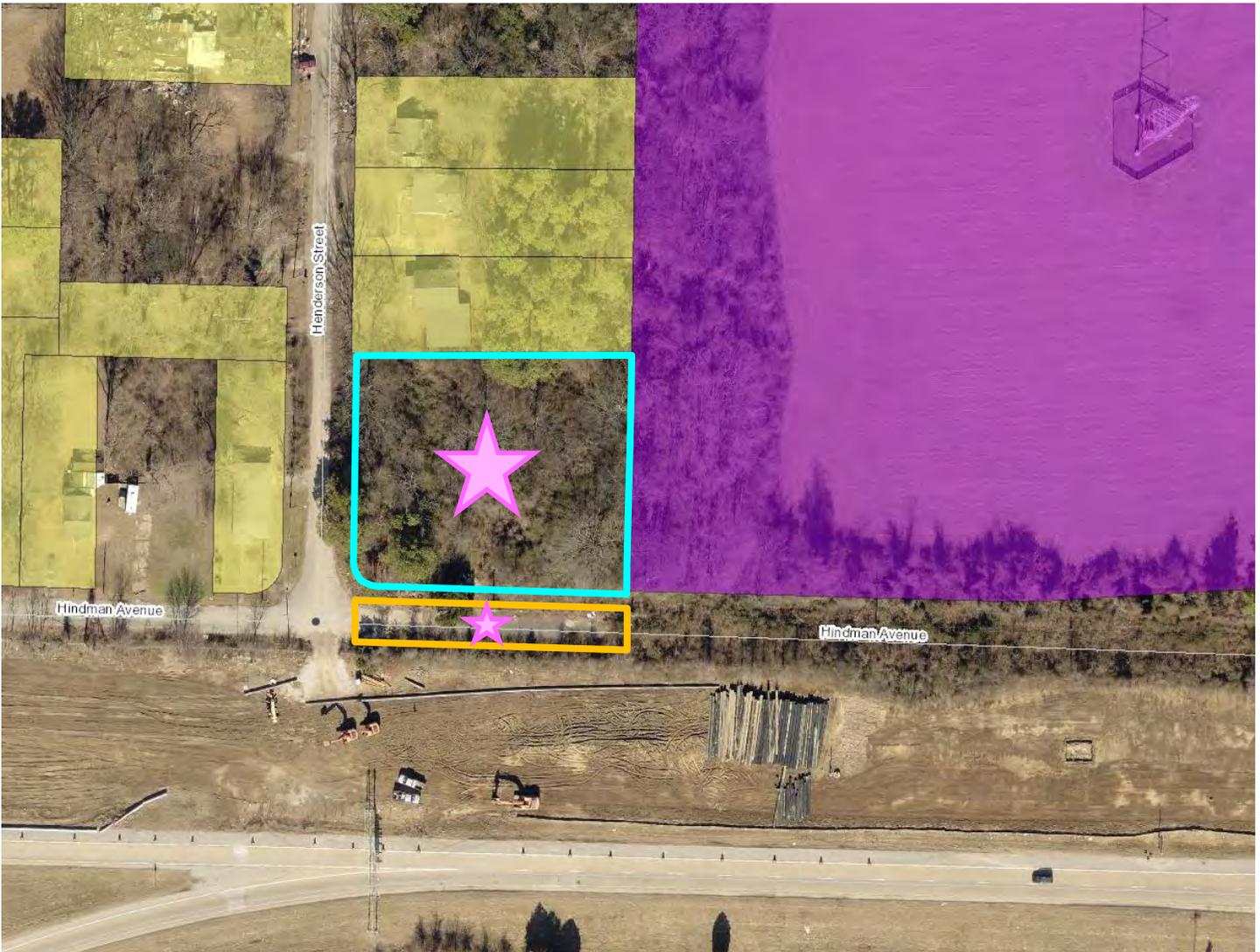
**North:** R-6

**East:** R-6

**South:** R-15

**West:** R-6 and R-15

**LAND USE MAP**



Subject property outlined in electric blue and indicated by pink star; subject right-of-way outlined in orange and indicated by pink star

**SITE PHOTOS**



View of subject property from Henderson Street, looking north



View of subject property from Henderson Street, looking southeast



View of subject right-of-way from Henderson Street, looking east



**(HINDMAN AVENUE) LEGAL DESCRIPTION**

LEGAL DESCRIPTION

PID 070028-00016

BEGINNING AT A NAIL SET AT THE INTERSECTION OF THE EAST LINE OF HENDERSON STREET (50' WIDE) AND THE CENTERLINE OF HINDMAN AVENUE (40' WIDE) HAVING TN STATE PLANE COORDINATES (NAD83) OF N:337602.08, E:769901.92; THENCE NORTHERLY ALONG THE EAST LINE OF HENDERSON ST. WITH A BEARING OF N 03°14'55" E A DISTANCE OF 210.00 FEET TO AN IRON ROD SET AT THE SOUTHWEST CORNER OF LARRY & DEBRA HENDERSON TRACT; THENCE ALONG THE SOUTHERLY LINE OF SAID HENDERSON TRACT EASTERLY WITH A BEARING OF S 86°07'05" E A DISTANCE OF 215.00 FEET TO A IRF; THENCE ALONG THE WESTERLY LINE OF VERTICAL BRIDGE LANDCO TRACT SOUTHERLY WITH A BEARING OF S 03°14'55" W A DISTANCE OF 210.00 FEET TO AN IRON ROD SET; THENCE ALONG THE CENTER OF HINDMAN AVENUE WESTERLY WITH A BEARING OF N 86°07'05" W A DISTANCE OF 215.00 FEET TO THE POINT OF BEGINNING.; CONTAINING 45147.24 SQUARE FEET OR 1.036 ACRES MORE OR LESS.

This description was generated on 8/3/2021 at 12:22 PM, based on geometry in the drawing file C:\Users\Wes Dell Laptop\OneDrive - Ashworth Engineering, PLLC\JOBS\210325-1544 Hindman- Prentis Mitchell\03 Sheets\REZONING.dwg.

## **STAFF ANALYSIS**

### **Request**

The application and letter of intent have been added to this report.

The request is to rezone 1.04 acres from Residential Single-Family – 6 (R-6) to Commercial Mixed-Use – 3 (CMU-3) and physical closure of a portion of Hindman Avenue, east of Henderson Street.

### **Review Criteria**

Staff disagrees the review criteria as set out in Sub-Section 9.5.7B of the Unified Development Code are met.

#### *9.5.7B Review Criteria*

*In making recommendations, the Land Use Control Board shall consider the following matters:*

- 9.5.7B(1) Consistency with any plans to be considered (see Chapter 1.9);*
- 9.5.7B(2) Compatibility with the present zoning (including any residential corridor overlay district) and conforming uses of nearby property and with the character of the neighborhood;*
- 9.5.7B(3) Suitability of the subject property for uses permitted by the current versus the proposed district;*
- 9.5.7B(4) Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the City or County; and*
- 9.5.7B(5) The availability of adequate police services, fire services, school, road, park, wastewater treatment, water supply and storm water drainage facilities for the proposed zoning.*

### **Site Description**

The subject property is +/-1.037 acres located on the east side of Henderson Street. The site is currently zoned Residential Single-Family – 6 and it is vacant land. The surrounding land uses are a mixture of vacant land, single-family residential, and industrial. There is no curb and gutter along the site's Henderson Street frontage.

The subject right-of-way is a +/-40-foot wide and +/-215-foot long east-west public alley for a total area of +/-1.063 acres that starts at Henderson Street and dead ends east of North Watkins Street. The subject right-of-way is located in-between two parcels, one of which is owned by the applicant (070028 00016), the other owned by Vertical Bridge Landco LLC (070028 00015).

### **Consistency with Memphis 3.0**

Staff uses the following criteria contained in Memphis 3.0 to determine consistency.

1. *The future land use planning map:* The subject site is identified as **Primarily Single-Unit Neighborhood (AN-S)** in the future land use planning map.
2. *The land use category descriptions and graphic portrayals, including whether the proposed use is compatible with the zone districts listed in the zoning notes and the proposed building(s) fit the listed form and location characteristics:*

**NS** areas are located greater than a half-mile outside of any anchor destination. These neighborhoods contain mostly detached, house scale residences, serving mostly single-family style living. This is considered the typical suburban community that is not as walkable or accessible from an anchor.

#### **“NS” Goals/Objectives:**

Preservation/maintenance of existing single-family housing stock and neighborhoods

#### **“NS” Zoning Notes:**

Generally compatible with the following zoning districts: R-E, R-15, R-10, R-8, R-6 in accordance with Form and characteristics listed below. Consult zoning map and applicable overlays for current and effective regulations. Changes unlikely; may consider rezonings, as appropriate, at the time of a small area plan.

#### **“NS” Form & Location Characteristics:**

- Primarily detached
- House-scale buildings
- Primarily residential
- 1-3 stories
- Beyond 1/2 mile from a Community Anchor



The proposed zoning district does meet these criteria because many of the commercial uses permitted by right in the CMU-3 district would interpose high intensity development within an otherwise low intensity, residential area.

3. *Existing, adjacent land uses and zoning:* The subject site is surrounded by the following land uses: single-family residential and industrial. The subject site is surrounded by the following zoning districts: R-6 and R-15. The commercial land uses permitted under the proposed zoning are incompatible with these adjacent land uses and zoning districts because they differ significantly in intensity (the proposed uses are more intense than the existing permitted uses).

4. *The degree of change map:* The subject site is undesignated in the Degree of Change map.
5. *The degree of change descriptions:* The Degree of Change descriptions are not applicable to this request.

Based on the land use decision criteria, this proposal is ***inconsistent*** with the Memphis 3.0 General Plan.



### **Conclusions**

The request is to rezone 1.04 acres from Residential Single-Family – 6 (R-6) to Commercial Mixed-Use – 3 (CMU-3) and to physically close a portion of Hindman Avenue, east of Henderson Street.

The subject property is currently vacant, and the underlying purpose of the rezoning request is to develop and improve the site for future commercial use. The commercial mixed-use districts are generally intended to accommodate retail, service and commercial uses. The CMU-3 district accommodates a broad range of high intensity commercial, office, and employment uses that service through traffic as well as surrounding neighborhoods. The subject property fronts a residential street that is unimproved by curb and gutter, and is surrounded by a mixture of vacant land and single-family residential land uses.

This rezoning request is inconsistent with the Memphis 3.0 General Plan, which calls for the preservation and maintenance of the existing single-family housing stock present in the surrounding neighborhood. Additionally, the availability of adequate police services, fire services, school, road, park, wastewater treatment, water supply and storm water drainage facilities for the proposed zoning is limited. In view of these issues, Staff believes that an intensification of development at this location may adversely impact the quality of life in the surrounding neighborhood.

The applicant is further seeking to close and vacate right-of-way of a portion of Hindman Avenue, east of Henderson street. The subject right-of-way is mostly unimproved, terminating in a circular dead end. The City Engineer would prefer that the entire section of Hindman Avenue, which begins at Henderson street and terminates approximately 870 feet to the east, is closed. However, the applicant does not intend to close any portion of Hindman Avenue extending beyond the easternmost boundary of the adjacent land parcel they currently own (Parcel 070028 00016).

Staff finds the request to rezone the subject property from R-6 to CMU-3 is an inappropriate zoning district for the area that is incompatible with the surrounding land uses. However, staff agrees that the closure of the adjacent subject right-of-way would not have any undue or substantial effect upon the existing vehicular and pedestrian traffic flow of the surrounding area.

## **RECOMMENDATION**

Staff recommends rejection of Commercial Mixed-Use – 3 (CMU-3). However, if approved, staff recommends approval of Office General (OG).

Staff recommends approval of the physical closure of Hindman Avenue, with the following conditions:

### **SAC 21-7 Conditions**

1. Any existing sanitary sewers, drainage facilities, or other utilities shall be relocated at the applicant's expense or overlaid with an easement.
2. The applicant shall comply with all conditions of the closure within three years of the conditional approval of the closure by the Council of the City of Memphis.
3. If the owner of Tax Parcel 070028 00015 is able to sign the closure agreement within the three-year conditional approval time, that section of this street closure may be approved administratively through the submittal of a closure plat to the City of Memphis Real Estate Department.

## **DEPARTMENTAL COMMENTS**

The following comments were provided by agencies to which this application was referred:

### **City/County Engineer:**

CASE: **Z-21-012**

NAME: **Re-zone 1.04-acre lot from R6 to CMU-3**

#### Sewers:

1. City sanitary sewers are available to serve this development.

CASE: **SAC-21-007**

NAME: **Hindman Avenue Closure**

1. Standard Subdivision Contract or Right-Of-Way Permit as required in Section 5.5.5 of the Unified Development Code.

#### Roads:

2. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.
3. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City standards.

#### Traffic Control Provisions:

4. The developer shall provide a traffic control plan to the city engineer that shows the phasing for each street frontage during demolition and construction of curb gutter and sidewalk. Upon completion of

sidewalk and curb and gutter improvements, a minimum 5-foot-wide pedestrian pathway shall be provided throughout the remainder of the project. In the event that the existing right of way width does not allow for a 5-foot clear pedestrian path, an exception may be considered.

5. Any closure of the right of way shall be time limited to the active demolition and construction of sidewalks and curb and gutter. Continuous unwarranted closure of the right of way shall not be allowed for the duration of the project. The developer shall provide on the traffic control plan, the time needed per phase to complete that portion of the work. Time limits will begin on the day of closure and will be monitored by the Engineering construction inspectors on the job.
6. The developer's engineer shall submit a Trip Generation Report that documents the proposed land use, scope and anticipated traffic demand associated with the proposed development. A detailed Traffic Impact Study will be required when the accepted Trip Generation Report indicates that the number for projected trips meets or exceeds the criteria listed in Section 210-Traffic Impact Policy for Land Development of the City of Memphis Division of Engineering Design and Policy Review Manual. Any required Traffic Impact Study will need to be formally approved by the City of Memphis, Traffic Engineering Department.

Curb Cuts/Access:

7. The City Engineer shall approve the design, number and location of curb cuts.

Street Closures:

8. Provide easements for existing sanitary sewers, drainage facilities and other utilities or relocate at developer's expense.
9. The applicant shall provide for the construction of curb, gutter and sidewalk across the closure as required by the City Engineer. If the City Engineer approves access, the applicant shall construct a City Standard curb cut across the closure, all to the satisfaction of the City Engineer, and at the applicant's expense. The applicant shall enter into a Standard Improvement Contract or obtain a curb cut permit from the City Engineer to cover the above required construction work.
10. The applicant shall comply with all conditions of the closure within 3 years of the conditional approval of the closure by the City Council.

**City/County Fire Division:** No comments received.

**City Real Estate:** No comments received.

**City/County Health Department:** No comments received.

**Shelby County Schools:** No comments received.

**Construction Code Enforcement:** No comments received.

**Memphis Light, Gas and Water:**

CASE: **SAC-21-007**

NAME: **Hindman Avenue Closure**

MLGW has reviewed the referenced application, and has no objection, subject to the following conditions:

- **MLGW has existing utility distribution facilities within the present public road/alley right of way.** The City of Memphis shall retain an easement across the proposed street closure, from edge to edge of the road right of way, to accommodate any existing public utilities, including electric, gas, water, CATV, telephone, sewer, drainage, etc.
- **It is the responsibility of the owner/applicant** to bear the cost if it is necessary for MLGW facilities to be installed, removed or relocated.
- **MLGW reserves the right** to retain a utility right-of-way within that portion of the existing public road right of way at all times for existing utilities, or the owner/applicant may choose to relocate existing utilities at the expense of the owner/applicant.
- **MLGW must be able to access any overhead or underground facilities.** Consequently, no permanent structure(s) shall be constructed or erected within that portion of the existing public road right of way including fences, buildings, patios, vehicle parking or paving.
- **No permanent structures, development or improvements** are allowed within any utility easements, without prior MLGW written approval.
- **Underground Utility separation and clearance:** The subject property is encumbered by existing utilities which may include overhead and underground facilities. It is the responsibility of the owner/applicant to maintain a minimum 3-foot (3') separation between any existing underground service lines or utilities and any proposed permanent structure or facility. This separation is necessary to provide sufficient space for any excavations to perform service, maintenance or replacement of existing utilities.
- If there are **existing fire hydrants** within the proposed closure of the public right-of-way, these hydrants will become public hydrants on private property, and the owner/applicant will be billed an annual maintenance fee on a monthly basis by MLGW.
- If there are **existing street lights** within the proposed closure of the public right-of-way, MLGW will remove all street lights, and abandon underground electric feeds or remove overhead electric feeds – at the expense of the owner/applicant.
- **STREET NAMES: It is the responsibility of the owner/applicant** to contact MLGW–Address Assignment @ 729-8628 and submit proposed street names for review and approval. Please use the following link to the MLGW Land & Mapping website for **Street Naming Guidelines** and the **Online Street Name Search**: <http://www.mlgw.com/builders/landandmapping>
- **It is the responsibility of the owner/applicant** to identify any utility easements, whether dedicated or prescriptive (electric, gas, water, CATV, telephone, sewer, drainage, etc.), which may encumber the subject property, including underground and overhead facilities. No permanent structures will be allowed within any utility easements.
- **It is the responsibility of the owner/applicant** to contact **TN-1-CALL @ 1.800.351.1111**, before digging, and to determine the location of any underground utilities including electric, gas, water, CATV, telephone, etc.

- **It is the responsibility of the owner/applicant** to contact MLGW-Property Management, Land Rights Specialist @ 901-528-4186 to request a Release Deed for release of easement for any existing MLGW Easement(s) in conflict with the proposed development.
- **It is the responsibility of the owner/applicant** to pay the cost of any work performed by MLGW to install, remove or relocate any facilities to accommodate the proposed development.
- **It is the responsibility of the owner/applicant** to identify any utility easements, whether dedicated or prescriptive (electric, gas, water, CATV, telephone, sewer, drainage, etc.), which may encumber the subject property, including underground and overhead facilities. No permanent structures will be allowed within any utility easements.
- **It is the responsibility of the owner/applicant** to comply with the **National Electric Safety Code (NESC)** and maintain minimum horizontal/vertical clearances between existing overhead electric facilities and any proposed structures.
- **It is the responsibility of the owner/applicant** to comply with Memphis/Shelby County Zoning Ordinance- Landscape and Screening Regulations.
- **Street Trees are prohibited**, subject to the review and approval of the landscape plan by MLGW Engineering. It is the responsibility of the owner/applicant to submit a detailed landscape plan to MLGW Engineering.
- **Landscaping is prohibited** within any MLGW utility easement without prior MLGW approval.
- **It is the responsibility of the owner/applicant** to submit a detailed plan to MLGW Engineering for the purposes of determining the availability and capacity of existing utility services to serve any proposed or future development(s).
- **Fire Protection Water Services: It is the responsibility of the owner/applicant** to contact **MLGW - Water Engineering** @ 901-528-4720 to obtain fire protection/water flow information. If water main extensions and/or an increase in existing main sizes are needed to meet the minimum fire flow rate to serve the proposed development, the owner/applicant will be responsible for the cost of these improvements.
  - Please refer to **MLGW Service Policy Manual – Water Main Extensions**, Section 4.3 which is available online at the following MLGW website:
  - <http://www.mlgw.com/images/content/files/pdf/ServicePolicyManual.pdf>
- **It is the responsibility of the owner/applicant** to submit a detailed plan to MLGW Engineering for the purposes of determining the availability and capacity of existing utility services to serve any proposed or future development(s). Application for utility service is necessary before plats can be recorded.
  - All residential developers must contact MLGW's Residential Engineer at Builder Services: (901)729-8675 to initiate the utility application process.
  - All commercial developers must contact MLGW's Builder Services line at 729-8630 (select option 2) to initiate the utility application process.
- **It is the responsibility of the owner/applicant** to pay the cost of any utility system improvements necessary to serve the proposed development with electric, gas or water utilities.

**Office of Sustainability and Resilience:** No comments received.

**APPLICATION**



*Memphis and Shelby County*  
*Office of Planning and Development*  
CITY HALL 125 NORTH MAIN STREET-SUITE 468 MEMPHIS, TENNESSEE 38103-2084 (901) 576-6601

**APPLICATION FOR REZONING APPROVAL**

Date: 8/3/21

Case #: Z

PLEASE TYPE OR PRINT

Property Owner of Record: MIM LLC Phone #: 901-305-5000

Mailing Address: PO BOX 488 City/State: HORN LAKE, MS Zip 38637

Property Owner E-Mail Address: MIMLLCMEMPHIS@GMAIL.COM

Applicant: MIM LLC Phone # \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City/State: \_\_\_\_\_ Zip \_\_\_\_\_

Applicant E- Mail Address: \_\_\_\_\_

Representative: Dedrick Brittenum, Jr. Phone #: 901-552-5994

Mailing Address: 3385 Airways Blvd, Ste 229 City/State: Memphis, tn Zip 38116

Representative E-Mail Address: db@brittenumlaw.com

Engineer/Surveyor: Wes Ashworth, PE, RLS Phone # 901-414-8767

Mailing Address: 10815 Collierville Road City/State: Collierville, TN Zip 38017

Engineer/Surveyor E-Mail Address: wesley@ashworthengineering.com

Street Address Location: 0 Hindman

Distance to nearest intersecting street: Northeast corner of Hindman and Henderson

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	<u>1.04</u>	_____	_____
Existing Zoning:	<u>R6</u>	_____	_____
Existing Use of Property	<u>Vacant</u>	_____	_____
Requested Use of Property	_____	_____	_____
Requested Zoning	<u>CMU-3</u>	_____	_____

Pre-Application Conference held on: 07/30/2021 with Burk Renner

Neighborhood Meeting Requirement Met: Yes  or Not Yet  or Not Required (see below)   
(If yes, documentation must be included with application materials)

I (we) hereby make application for the rezoning classification described above and on the accompanying materials. I (we) accept responsibility for any errors or omissions which may result in the postponement of the application being reviewed by the Memphis & Shelby County Land Use Control Board at the next available hearing date. I (We), owner(s) of the above described property hereby authorize the filing of this application and the above named persons to act on my behalf.

MIM LLC 08/05/2021 Debra Mitchell 08/05/2021  
Property Owner of Record Date Applicant Date

LETTER OF INTENT

# **Brittenum**

## **Law pllc**

ATTORNEY AT LAW  
Airways Professional Center – Aerotropolis  
3385 Airways Boulevard, Suite 229  
Memphis, Tennessee 38116 USA  
Telephone 901.347.3978  
Facsimile 901.800.1927  
[db@brittenumlaw.com](mailto:db@brittenumlaw.com)

5 August 2021

Via Hand Delivery

Josh Whitehead, AICP  
Planning Director / Administrator  
Memphis & Shelby County Office of Planning and Development  
City Hall  
125 North Main Street, Suite 468  
Memphis, TN 38103

RE: 0 Hindman Avenue - Application for Rezoning Approval  
Hindman Avenue Section – Application for Street Closure Approval

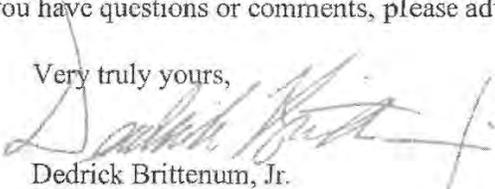
Dear Administrator Whitehead:

I represent MIM LLC for rezoning and street closure applications to redevelop the above tract for Commercial Mixed Use-3 zoning district (CMU-3) use. The subject property is currently zoned R-6 with no overlay district. The applications request approval of the CMU-3 zoning district and the closure of the section of Hindman Avenue adjacent to the requested rezoning parcel on the south. Although the large tract due east is zoned R-6, it is showing on the zoning map legend as industrial use. Upon approval, the Hindman parcel and the closed Hindman Avenue section will be one lot located adjacent to I-40 west. Enclosed are the Application for Rezoning Approval and the Applications for Right-of-Way Vacation/ Street/Alley/Closure Approval. Please consider these applications as companion cases.

The 0 Hindman Avenue parcel was sold at tax sale to the Shelby County Land Bank in January 2020. It was sold to the Applicant here as the highest bidder upon confirmation by the Shelby County Commission in February 2021 for future development. The subject parcel is vacant land. The closure of the section of Hindman Avenue currently used for illegal dumping of furniture, tires, trash and other debris will reduce blight in the area.

Thank you for your attention and should you have questions or comments, please advise. I remain,

Very truly yours,

  
Dedrick Brittenum, Jr.

enclosure



**LETTERS RECEIVED**

One letter of opposition was received at the time of completion of this report and has subsequently been attached.

## Frayser/Hindman Ave proposal

Tess Momberger <etmomberger42@gmail.com>

Thu 9/2/2021 9:48 PM

To: Shupe-Diggs, Clarke <Clarke.Shupe.Diggs@memphistn.gov>

CAUTION: This email originated outside of the City of Memphis organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

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Hello,

I am a resident of Henderson Street, which runs perpendicular to Hindman avenue. I have concerns with the rezoning of this one acre parcel of land since the whole of the area surrounding it is zoned residential. As a resident of this area, I am concerned with the rezoning without having any idea as to what will be the use of this land, or how the rezoning of this acre will affect the rezoning of other parcels of land in the future. Henderson and Hindman as well and quiet street as well as nearby Steele and Ontario streets. I have concern for commercial properties/ billboards/more cell-radio towers beginning to form in this residential neighborhood.

- Tess

# Brittenum

## Law pllc

ATTORNEY AT LAW  
Airways Professional Center – Aerotropolis  
3385 Airways Boulevard, Suite 229  
Memphis, Tennessee 38116 USA  
Telephone 901.347.3978  
Facsimile 901.800.1927  
[db@brittenumlaw.com](mailto:db@brittenumlaw.com)

5 August 2021

Via Hand Delivery

Josh Whitehead, AICP  
Planning Director / Administrator  
Memphis & Shelby County Office of Planning and Development  
City Hall  
125 North Main Street, Suite 468  
Memphis, TN 38103

RE: 0 Hindman Avenue - Application for Rezoning Approval  
Hindman Avenue Section – Application for Street Closure Approval

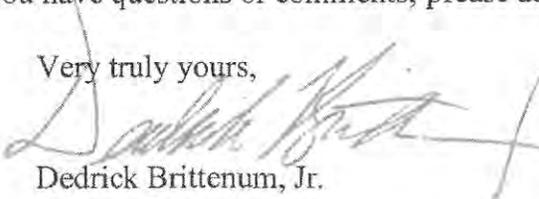
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Thank you for your attention and should you have questions or comments, please advise.  
I remain,

Very truly yours,

  
Dedrick Brittenum, Jr.

enclosure



# Memphis and Shelby County Office of Planning and Development

CITY HALL 125 NORTH MAIN STREET, SUITE 476, MEMPHIS, TENNESSEE 38103-2084 (901) 363-6619

## APPLICATION FOR RIGHT-OF-WAY VACATION/ STREET/ALLEY/CLOSURE APPROVAL

Date: 8/3/21

Case #: SAC

PLEASE TYPE OR PRINT

Name of/Street/Alley/ROW: HINDMAN AVENUE

Property Owner of Record: MIM LLC Phone #: 9013055000

Mailing Address: PO BOX 488 City/State: HORN LAKE, MS Zip 38637

Property Owner E-Mail Address: mimllcmemphis@gmail.com

Applicant: MIM LLC Phone # \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City/State: \_\_\_\_\_ Zip \_\_\_\_\_

Applicant E- Mail Address: \_\_\_\_\_

Representative: Dedrick Brittenum, Jr. Phone #: 901-552-5994

Mailing Address: 3385 Airways Blvd, Ste 229 City/State: MEMPHIS, TN p 38116

Representative E-Mail Address: db@brittenumlaw.com

Engineer/Surveyor: WES ASHWORTH Phone # 9014148767

Mailing Address: 10815 COLLIERVILLE RD City/Sta COLLIERVILLE, TN Zip 38017

Engineer/Surveyor E-Mail Address: WESLEY@ASHWORTHENGINEERING.COM

Closure Street Address Location: 0 HINDMAN- NW CORNER HINDMAN AND HENDERSON ST.

Inside of Memphis City Limits  Yes  No

Unincorporated Shelby County  Yes  No

City of \_\_\_\_\_ Reserve Area  Yes  No

Distance to nearest intersecting street: NW CORNER HINDMAN AND HENDERSON ST.

Area of ROW: 4300SF/0.1 AC \_\_\_\_\_ Feet

Closure starts at: EAST LINE OF HENDERSON ST \_\_\_\_\_ and

Proceeds to EAST LINE OF PARCEL 07002800016 \_\_\_\_\_

Reason for Closure: ROAD NOT IN USE AND COLLECTS RUBISH AND DEBRIS. \_\_\_\_\_

DANGER TO NEIGHBORHOOD AS MEETING PLACE FOR \_\_\_\_\_

UNDESIRABLES. \_\_\_\_\_

**PRE-APPLICATION CONFERENCE** - Not more than six (6) months nor less than five (5) working days prior to filing an application, the applicant shall arrange for a mandatory pre-application conference with OPD.

Pre-Application Conference held on: 07/30/2021 with Burk Renner

I (we) hereby make application for approval of the street/alley closure described above and on the accompanying materials and closure plat. I (we) accept responsibility for any errors or omissions which may result in the postponement of the application being reviewed by the Memphis & Shelby County Land Use Control Board at the next available hearing date. I (We), owner(s) of the above described property hereby authorize the filing of this application and the above named persons to act on my behalf.

MIM LLC                      08/05/2021                      by Gregory Mitchell                      08/05/2021  
Property Owner of Record\*                      Date                      Applicant                      Date

\_\_\_\_\_  
Property Owner of Record\*                      Date                      Applicant                      Date

Every property owner that both abuts the right-of-way to be closed and will be deeded a respective portion shall sign this application unless the signee above is a duly elected representative of a homeowners or property owners association that will be taking ownership of the vacated right of way. See Item H at the bottom of this application for further instructions and exceptions.

Types of Vacation (from Chapter 9.8 of the Unified Development Code)

1. **Conversions** (public-to-private street conversions, pursuant to Section 5.2.18 of the UDC)

*Note: street conversions entirely within approved subdivisions or planned developments shall be processed as revisions to the subdivision plat or planned development plat. Please refer to those appropriate applications.*

2. **Physical closures** (street and alley closures that involve the physical closure of an existing street or alley)

3. **Abandonment** (divesture of abandoned or excess right-of-way, paper streets, paper alleys and easements)

**SIGN POSTING** – A sign or signs shall be erected on-site no more than 30 days or less than 10 days prior to the date of the Land Use Control Board hearing. See Sub-Section 9.3.4C of the UDC for further details on sign posting.

**GUIDE FOR SUBMITTING  
RIGHT-OF-WAY VACATION/CLOSURE APPLICATION**

A **THE APPLICATION** - Two (2) collated sets of this application in accordance with the requirements of the Unified Development Code and as outlined below shall be submitted to OPD. The following information is required to be submitted for consideration as a complete application, and except for copies of the preliminary closure plat, shall be provided on sheets of 8.5"x11" in size. The application with original signatures of the applicant and adjacent property owners to the street or alley to be closed shall be completed either with legible print or typewritten. Each application set shall be compiled in the following order:

- 1) This application, 8.5"x11" Preliminary Closure Plat, Metes & Bounds Descriptions, Vicinity Maps, Property Deeds & Easements of Record, 2-3 sets of gummed-backed Mailing Labels, 2 sets of paper copied Mailing Labels, Letter of Intent, 20"x24" Preliminary Closure Plat (folded), Original Instrument of Dedication.
- 2) A compact disc with all submittal documents in "PDF" and any proposed conditions in "WORD".

B **METES AND BOUNDS DESCRIPTION**

Two (2) copies of a metes and bounds description of the right-of-way to be closed, and four (4) copies of metes & bounds descriptions of those portions of the right-of-way which are to be quit claimed to adjacent property owners. Descriptions must read to the centerline unless the properties on either side of the right-of-way are under the same ownership.

**CLOSURE PLAT\***

C Two (2) prints 20" x 24", two (2) 8.5" x 11" reduced copies of the closure plat drawn to scale (1"=50' or =100') and prepared, certified and sealed by a Civil Engineer or Surveyor registered in the State of Tennessee. The plat must show the names of abutting property owners, all bearings and dimensions of the alley or street, dimensions and legal descriptions of abutting lots, existing buildings on adjacent lots, driveways, utilities, easements to be retained and a vicinity map.

\*A closure plat is unnecessary for Street Closure Example 4 (see Pine Street Closure below).

**VICINITY MAP**

D Two (2) copies showing the subject property (boldly outlined) and all parcels adjacent to the section of the street or alley being closed. Show for each parcel its dimensions, owner's name (on the vicinity map unless prior approval is given to do otherwise) and the public streets, alleys or private drives that it abuts. In situations where the parcels on the map are so small that the property owner's names are unable to fit and numbered legend is used, every effort should be made to place the legend on the map itself and not a separate sheet.

E **LIST OF NAMES AND ADDRESSES**

1) Two (2) complete lists of names and mailing addresses, including zip codes, of all owners shown on the vicinity map, typewritten on 1"x 2<sup>5/8</sup>" self-adhesive mailing labels and 2 paper sets. Three (3) sets of gummed back mailing labels and paper copies are needed for subject properties located in Shelby County but within five (5) miles of the Memphis City limits.

2) Two (2) self-adhesive mailing labels (1"x 2<sup>5/8</sup>" ) each for the owner of record, applicant, representative and/or engineer/surveyor.

**DEDICATION INSTRUMENT**

F A copy of the instrument which dedicated the right-of-way for public use must be submitted with the application.

\*A dedication instrument is unnecessary for Street Closure Example 4 (see Pine Street Closure below).

G. **FILING FEES** (All Fees Are Subject To Change without Prior Notice)

Submit a non-refundable check or money order in the amount of \$400.00. Make check payable to "M/SC Office of Planning and Development"

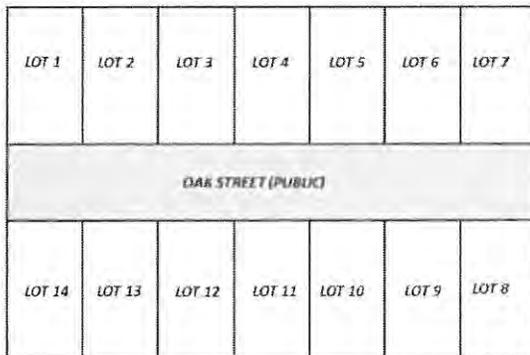
H. **SIGNATURES** (from Section 9.8.2 of the Unified Development Code)

The official application form shall include the signatures of all abutting property owners. If any abutting property owners refuse to sign the application, the governing body may delete that portion of the right-way if they so choose. Abutting property owners are those owners who will be recipients of all or a portion of the right-of-way proposed to be vacated and are the owners of record at the time the right-of-way vacation application is filed with the Planning Director. To qualify as a recipient of all or a portion of former right-of-way, an abutting property owner's parcel must be identified on the subdivision plat or Planned Development final plan through which the right-of-way proposed for vacation was originally dedicated to the City or County and that parcel must abut the right-of-way proposed for vacation. See graphics below for explanation. *Note: After an application has been filed with the Planning Director, the withdrawal of consent to the closure by an abutting property owner is prohibited.*

**TYPES OF STREET CLOSURES**

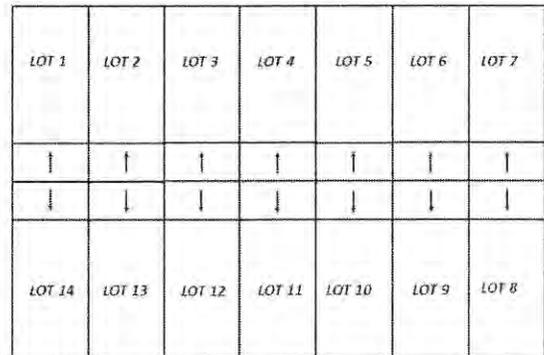
Example 1: Oak Street Closure.

Oak Street is a paper street that was never constructed. It is now strewn with weeds and undergrowth and the abutting owners now wish to take the area over and make it part of their rear yards. Oak Street was dedicated to the public with the recording of Oak Street Subdivision. This portion of Oak Street is abutted by Lots 1-14 of Oak Street Subdivision. Owners of Lots 1-14 will be required to sign off the application and be deeded their half of the street, unless the governing bodies approve the closure specifically allotting their half of the street to another property owner who has signed the application.



PLAT FOR OAK STREET SUBDIVISION

Before closure.

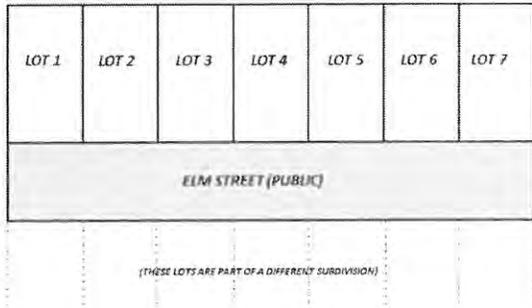


PLAT FOR OAK STREET SUBDIVISION

After closure.

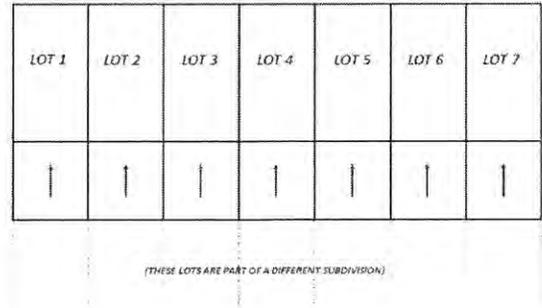
Example 2: Elm Street Closure.

Like Oak Street, Elm Street is a paper street and was never constructed. Unlike Oak Street, Elm Street was dedicated through a plat with lots on only one side of it. Therefore, only the lot owners on that side of the street will be required to sign the application.



PLAT FOR ELM STREET SUBDIVISION

Before closure.

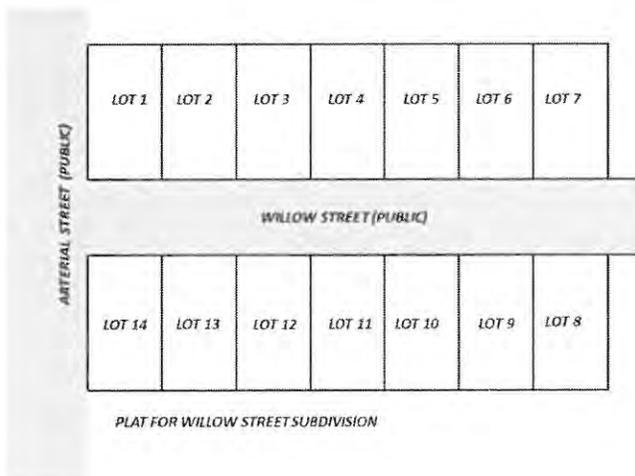


PLAT FOR ELM STREET SUBDIVISION

After closure.

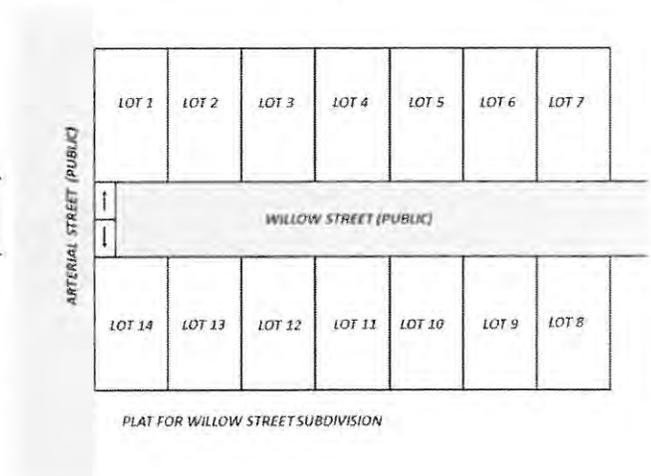
Example 3: Willow Street Closure.

Unlike Oak and Elm Streets, Willow Street is a built City street open to the public. Concerned with the traffic that cuts through the neighborhood from Arterial Street, the owners of Willow Street have proposed that the street remain public, but that the street be closed off at Arterial Street. Willow Street connects to the system of city streets from the other direction. With this scenario, only the owners of Lot 1 and 14 will be required to sign the application since only a small portion of Willow Street will be deeded to them.



PLAT FOR WILLOW STREET SUBDIVISION

Before closure.

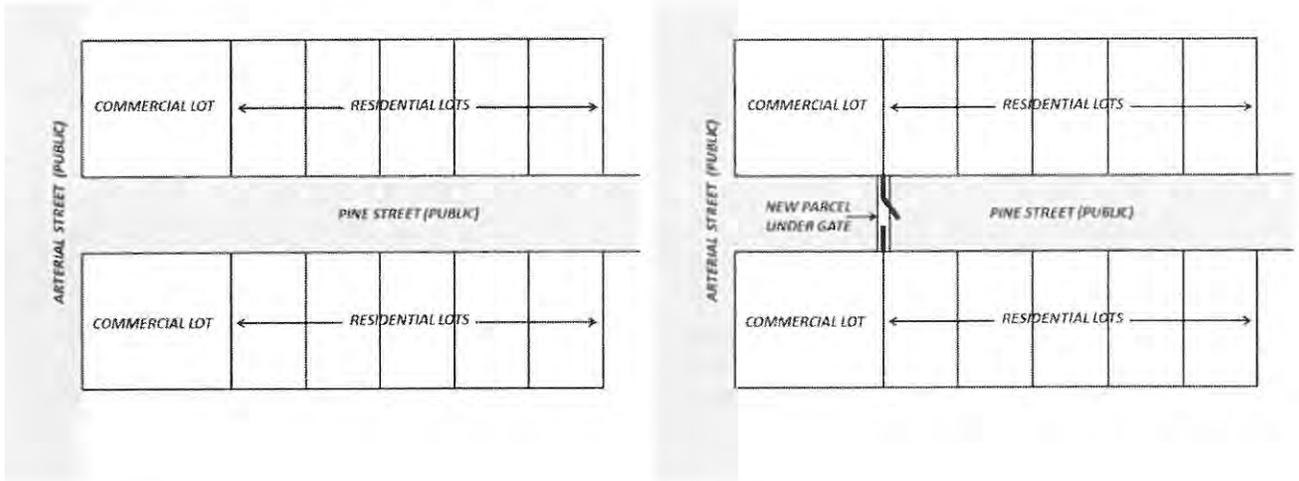


PLAT FOR WILLOW STREET SUBDIVISION

After closure.

Example 4: Pine Street Closure

Like Willow Street, Pine Street is a built City street open to the public. Unlike Willow Street, the owners along Pine Street do not want to vacate any right-of-way; instead, they wish to erect a gate for emergency access only in the public street. Pine Street connects to the system of city streets from another direction. This will require that the right-of-way under the gate be deeded to an established Homeowners Association to which the adjacent owners are members (the City will first deed the property to the adjacent owners, who can then immediately transfer it to the HOA). It will also require covenants to be recorded that will bind either the adjacent property owner(s), all lot owners within the subdivision or a homeowners association to take full responsibility and ownership of the gate and to hold the City or County harmless for any damages to the gate or vehicles that have struck the gate.



Before closure.

After closure.

Example 5: Street Closures with active Homeowners Associations.

If a street is to be closed and converted to a private drive that will be maintained by a duly chartered homeowners or property owners association, only the representative of the association will be required to sign the application.

**ALL APPLICATIONS MUST BE SUBMITTED IN PERSON AND THE SUBMITTER MUST RECEIVE A RECEIPT OF ACCEPTANCE FROM STAFF**



# Shelby County Tennessee

## *Shelandra Y Ford*

Shelby County Register

---

As evidenced by the instrument number shown below, this document has been recorded as a permanent record in the archives of the Office of the Shelby County Register.

21094969

07/30/2021 - 03:33:30 PM

4 PGS

CHRISTINAM 2274423-21094969

VALUE	800.00
MORTGAGE TAX	0.00
TRANSFER TAX	2.96
RECORDING FEE	20.00
DP FEE	2.00
REGISTER'S FEE	1.00
TOTAL AMOUNT	25.96

SHELANDRA Y FORD

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, that the County of Shelby, a political subdivision of the State of Tennessee, for and in consideration of:

EIGHT HUNDRED DOLLARS AND NO/100S

\$800.00 Dollars,

does hereby bargain, sell, remise, quit claim and convey unto the said:

MIM LLC

the following described real estate located in Shelby County, Tennessee, to-wit:

(SEE ATTACHED EXHIBIT "A")

Being the same property conveyed to Shelby County Government in Tax Sale 1603 on 01/14/2020 which sale was confirmed in Docket # 2018-2

Property Address: 0 HINDMAN

Parcel # 07002800000160

Conveyance of the above described property is made without warranties of any sort.

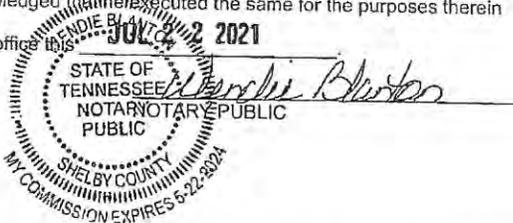
IN WITNESS WHEREOF, the grantor has caused this instrument to be executed by the duly authorized County Trustee, this July 22, 2021.

BY [Signature]  
REGINA MORRISON NEWMAN, SHELBY COUNTY TRUSTEE

STATE OF TENNESSEE, COUNTY OF SHELBY

Before me, a Notary Public in and for said County, duly commissioned and qualified, personally appeared Regina Morrison Newman, as Trustee of Shelby County, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same for the purposes therein contained.

WITNESS my hand and Notarial Seal at office this



My Commission Expires:

IN WITNESS WHEREOF, the grantor has caused this instrument to be executed by the duly authorized County Mayor, this 9 day of JULY, 2021.

BY [Signature]  
LEE HARRIS, SHELBY COUNTY MAYOR

STATE OF TENNESSEE, COUNTY OF SHELBY

Before me, a Notary Public in and for said County, duly commissioned and qualified, personally appeared Lee Harris as Mayor of Shelby County, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same for the purposes therein contained.

WITNESS my hand and Notarial Seal at office this 9 day of JULY, 2021.

[Signature]  
NOTARY PUBLIC

My Commission Expires:

APPROVED AS TO FORM:

BY [Signature]  
(John B. Turner, Jr. #018258)  
DELINQUENT TAX ATTORNEY



RECORDING DATA ONLY

Return Address:

Office of the Shelby County Trustee  
157 Poplar Avenue - Third Floor  
Memphis, TN 38103

ATTENTION: LESLIE BLESSIKE

Property Address:

0 HINDMAN  
07002800000160

Mail Tax Bills To:

MIM LLC  
3774 CONRAIL CIR.  
HORNLAKE MS 38637

Property Owner:

MIM LLC  
3774 CONRAIL CIR.  
HORNLAKE MS 38637

I/We hereby swear/affirm that to the best of  
affiant's knowledge, information, and belief,  
the actual consideration for this transfer  
is \$800.00

*Leslie Blessike*  
AFFIANT

This instrument prepared by:  
(John B. Turner, Jr. #018258)  
DELINQUENT TAX ATTORNEY  
157 POPLAR AVENUE, 2ND FLOOR  
MEMPHIS, TN 38103

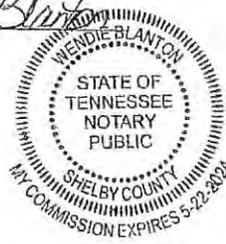
Subscribed and sworn to before me

this JUL 22 2021

STATE TAX \_\_\_\_\_  
REGISTER'S FEE \_\_\_\_\_  
RECORDING FEE \_\_\_\_\_  
TOTAL \_\_\_\_\_

*Wendie Blanton*  
NOTARY

My Commission expires:



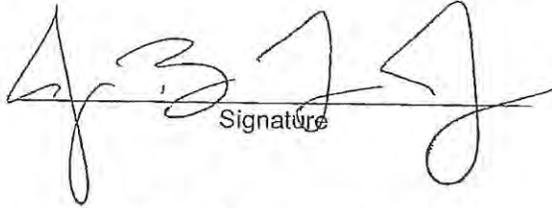
## “Exhibit A”

Beginning at a point in the east line of Henderson Road and the center line of Hindman Ferry Road; thence east with the center line of Hindman Ferry Road 215 feet to a point, said point being the southeast corner of the W. A. Henderson 24.50 acre tract; thence north along the Henderson east line 210 feet to a point; thence west parallel with Hindman Ferry Road a distance of 215 feet to a point in the east line of Henderson Road; thence south along the east line of Henderson Road 210 feet to the point of beginning.

Being the same property as described in Instrument No. 07009679. The above description is the same as found in prior deed of record as a boundary line survey was not done at the time of this conveyance.

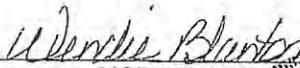
PARCEL ID: 07002800000160

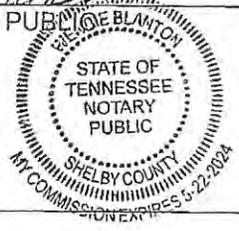
I, John B. Turner Jr., do hereby make oath that I am a licensed attorney and/or the custodian of the paper version of the electronic record tendered for registration herewith and that this is a true and correct copy of the electronic record executed pursuant to § 47-10-112 and other provisions of the Uniform Electronic Transactions Act or other provisions of law.

  
Signature

STATE OF TENNESSEE)  
COUNTY OF SHELBY)

On this JUL 0 2 2021 before me personally appeared John B. Turner Jr., to me known to be the person described in and who acknowledges that this certification is true and correct and whose signature I have witnessed.

  
NOTARY PUBLIC



My Commission Expires: \_\_\_\_\_

MITCHELL BURNTTE JR  
2511 HENDERSON ST #  
MEMPHIS TN 38127

MORENO JOSE DE JESUS AGUILAR  
1528 HINDMAN AVE #  
MEMPHIS TN 38127

HENSEN LARRY & DEBORAH  
1818 RUSSELL BOND RD #  
MILLINGTON TN 38053

VERTICAL BRIDGE LANDCO LLC  
2800 POST OAK BLVD #3700  
HOUSTON TX 77056

MITCHELL BURNTTE JR  
2511 HENDERSON ST #  
MEMPHIS TN 38127

MORENO JOSE DE JESUS AGUILAR  
1528 HINDMAN AVE #  
MEMPHIS TN 38127

HENSEN LARRY & DEBORAH  
1818 RUSSELL BOND RD #  
MILLINGTON TN 38053

VERTICAL BRIDGE LANDCO LLC  
2800 POST OAK BLVD #3700  
HOUSTON TX 77056

070029 00041 - MITCHELL BURNTE JR

070029 00019 - MORENO JOSE DE JESUS AGUILAR

070028 00017 - HENSEN LARRY & DEBORAH

070028 00015 - VERTICAL BRIDGE LANDCO LLC

070029 00041 - MITCHELL BURNTE JR

070029 00019 - MORENO JOSE DE JESUS AGUILAR

070028 00017 - HENSERSON LARRY & DEBORAH

070028 00015 - VERTICAL BRIDGE LANDCO LLC

MIM LLC

P O BOX 488

HORN LAKE MS 38637

DEDRICK BRITTENUM JR

3385 AIRWAYS BLVD STE 229

MEMPHIS TN 38116

WES ASHWORTH

10815 COLLIERVILLE RD

COLLIERVILLE TN 38017

MIM LLC

P O BOX 488

HORN LAKE MS 38637

DEDRICK BRITTENUM JR

3385 AIRWAYS BLVD STE 229

MEMPHIS TN 38116

WES ASHWORTH

10815 COLLIERVILLE RD

COLLIERVILLE TN 38017



SITE



### VICINITY MAP

N.T.S.

THIS SURVEY CERTIFICATE IS A CONFESSION OF FACTS. THE SURVEYOR HAS BEEN ADVISED BY THE OWNER OR THE UNDERSIGNED ARCHITECT, ENGINEER, SURVEYOR, LANDSCAPE ARCHITECT, OR LANDSCAPE ARCHITECTURE FIRM THAT THE PLAT HAS BEEN PREPARED BY THE UNDERSIGNED ARCHITECT, ENGINEER, SURVEYOR, LANDSCAPE ARCHITECT, OR LANDSCAPE ARCHITECTURE FIRM AND THAT THE SURVEYOR HAS BEEN ADVISED BY THE UNDERSIGNED ARCHITECT, ENGINEER, SURVEYOR, LANDSCAPE ARCHITECT, OR LANDSCAPE ARCHITECTURE FIRM THAT THE PLAT HAS BEEN PREPARED BY THE UNDERSIGNED ARCHITECT, ENGINEER, SURVEYOR, LANDSCAPE ARCHITECT, OR LANDSCAPE ARCHITECTURE FIRM.

BY: **JON W. ASHWORTH, III** DATE: **8/3/21**



TENNESSEE CERTIFICATE NO. **1344**

ENGINEER'S CERTIFICATE

WHEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT IN ACCORDANCE WITH THE DESIGN REQUIREMENTS OF THE TENNESSEE AND SHERIFF COUNTY UNIFIED DEVELOPMENT CODE, THE TENNESSEE ZONING AND SUBDIVISION ACT, AND THE TENNESSEE AND SHERIFF COUNTY APPLICABLE FEDERAL, STATE AND LOCAL BUILDING LAWS AND REGULATIONS.

BY: **JON W. ASHWORTH, III** DATE: **8/3/21**



TENNESSEE CERTIFICATE NO. **1344**

ENGINEER'S CERTIFICATE

### OWNERS CERTIFICATE

I, **PRENTISS MITCHELL**, THE UNDERSIGNED OWNER OF THE PROPERTY SHOWN, HEREBY ADAPT THIS PLAT AS MY PLAN OF DEVELOPMENT, I HEREBY AUTHORIZE THE SURVEYOR TO RECORD THIS PLAT AND TO FILE THE NECESSARY TAXES WHICH HAVE BECOME DUE AND PAYABLE.

BY: \_\_\_\_\_ DATE: \_\_\_\_\_

RECORDS COMMISSIONER  
COUNTY OF SHERIFF

RECORDS COMMISSIONER  
COUNTY OF SHERIFF  
SHERIFF COUNTY, TENNESSEE  
I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT IN ACCORDANCE WITH THE DESIGN REQUIREMENTS OF THE TENNESSEE AND SHERIFF COUNTY UNIFIED DEVELOPMENT CODE, THE TENNESSEE ZONING AND SUBDIVISION ACT, AND THE TENNESSEE AND SHERIFF COUNTY APPLICABLE FEDERAL, STATE AND LOCAL BUILDING LAWS AND REGULATIONS.

BY: \_\_\_\_\_ DATE: \_\_\_\_\_

RECORDS COMMISSIONER  
COUNTY OF SHERIFF

SCALE: 1/4" = 10' FOR PLANNING CERTIFICATE.



### STREET CLOSURE PLAT

#### HINDMAN ROAD

NUMBER OF LOTS: 01	AREA: 0.1 AC.	MAP NO. 1 BLOCK 2 PARCEL 1B
OWNER/DEVELOPER	ENGINEER	ASHPORTH ENGINEERING PLLC
PRENTISS MITCHELL	1015 COLLETT ROAD	MEMPHIS, TN 38107
PHONE: 901.536.2307	MOBILE: 901.536.2307	EMAIL: prentiss@ashporth.com
DATE: AUGUST 2021	SCALE: 1/4" = 10'	SHEET: 1 OF 1

### LEGAL DESCRIPTION

PROPOSED ROAD CLOSURE  
 BEGINNING AT A MAIL SET AT THE INTERSECTION OF THE CENTERLINE OF HINDMAN AVENUE (40' WIDE) AND THE EAST LINE OF HENDERSON STREET (50' WIDE) HAVING TN STATE PLANE COORDINATES (NAD83) OF N:337602.00, E:769901.92, THENCE ALONG THE CENTERLINE OF HINDMAN AVENUE EASTERLY WITH A BEARING OF S 86°07'05" E A DISTANCE OF 215.00 FEET TO A POINT SET; THENCE SOUTHERLY WITH A BEARING OF S 03°14'55" W A DISTANCE OF 20.00 FEET TO A POINT; THENCE WESTERLY ALONG THE SOUTHERLY LINE OF HINDMAN AVENUE WITH A BEARING OF N 86°07'05" W A DISTANCE OF 215.00 FEET TO A POINT; THENCE NORTHERLY WITH A BEARING OF N 03°14'55" E A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING; CONTAINING 4.07 ACRES MORE OR LESS.

This description was generated on 8/3/2021 at 12:08 PM, based on geometry in the drawing file C:\Users\West\Desktop\1344\1344.dwg.  
 L:\p\op\0-e\0-e\1344 - Ashworth Engineering, Pbc\085\210225-1844 Hindman - Prentiss Mitchell\03 Sheets\SITE PLANNING.dwg







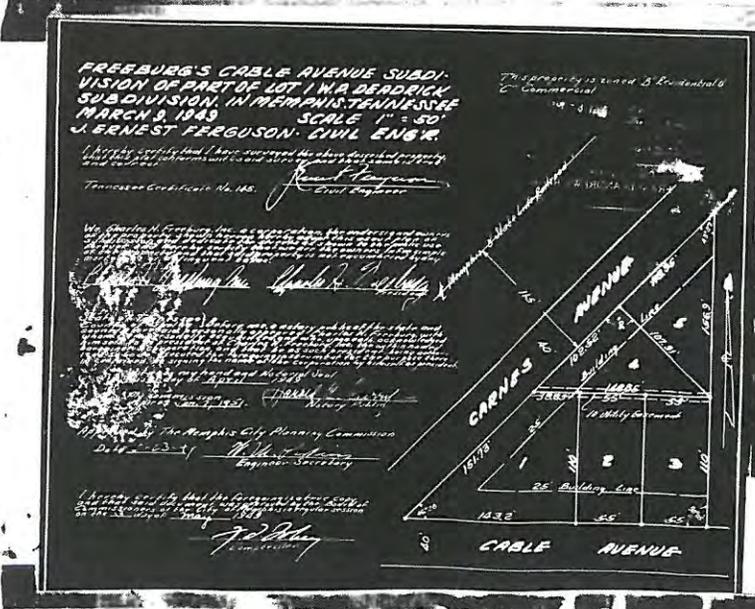
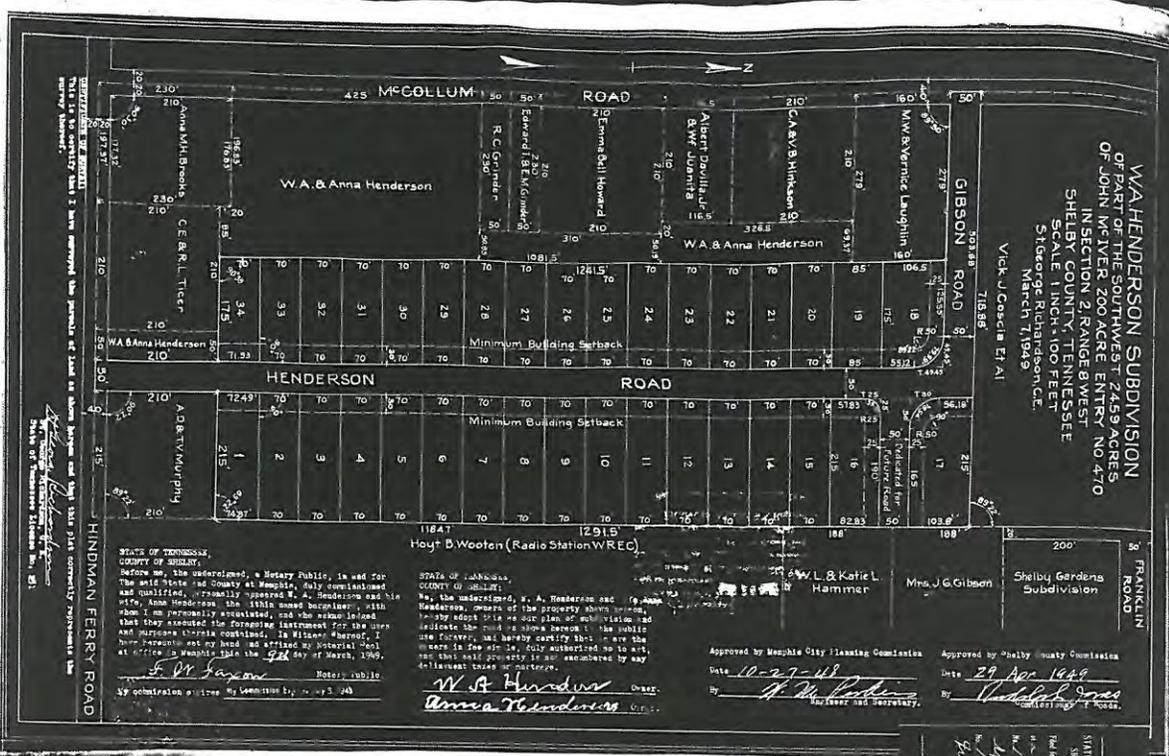
- Legend**
- polyline layer
  - Override 1
  - polygon layer
  - Override 1
  - polyline layer
  - Override 1
  - Roads
  - Shelby County Zoning
  - Arlington Zoning
  - Bartlett Zoning
  - Collerville Zoning
  - Germantown Zoning
  - Lakeland Zoning
  - Millington Zoning
  - Parcels

Shelby County GIS / REGIS 444 North Main, Suite 600 | Memphis, TN 38103 email: Regis@shelby.gov

Map prepared through Shelby County Government's online mapping Portal on 8/20/21

0 0.0085 0.017 0.0255 0.034 mi

N



WA HENDERSON SUBDIVISION  
 OF PART OF THE SOUTHWEST 24.59 ACRES  
 OF JOHN McIVER 200 ACRE ESTATE, NO. 470  
 IN SECTION 2 RANGE 8 WEST  
 SHELBY COUNTY, TENNESSEE  
 SCALE 1 INCH = 100 FEET

STATE OF TENNESSEE,  
 COUNTY OF SHELBY.  
 I, WILLIAM C. CHANDLER AND CHARLES E. CHANDLER, THE UNDERSIGNED OWNERS OF THE PROPERTY SHOWN HEREON,  
 HEREBY ADAPT THIS AS ONE PLAN OF SUBDIVISION AND DEDICATE THE STREETS AS SHOWN TO THE PUBLIC USE FOREVER,  
 AND HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE UNDIVIDED INTEREST IN THE SAID PROPERTY AND THAT THE SAID PROPERTY IS NOT  
 ENCUMBERED BY ANY DELINQUENT TAXES OR MORTGAGES.

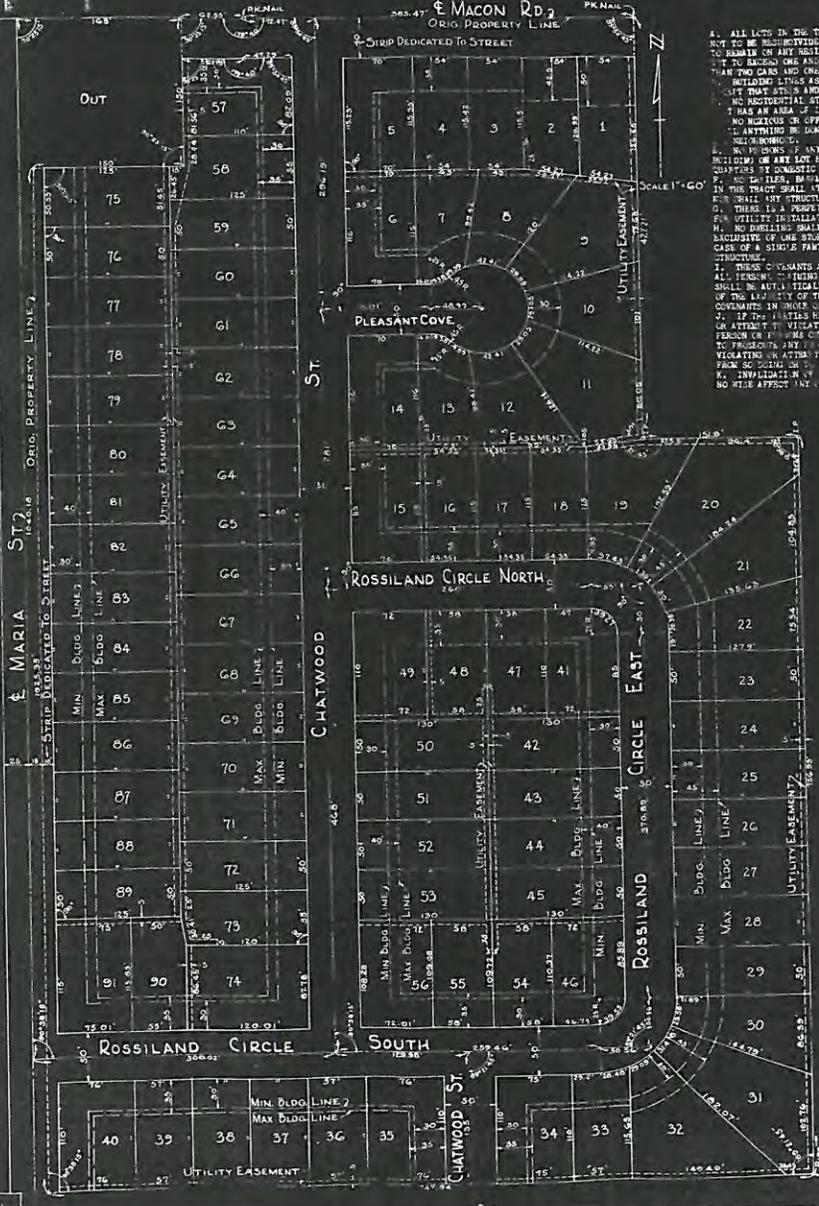
MEMPHIS, TENNESSEE  
 APRIL, 1949

STATE OF TENNESSEE,  
 COUNTY OF SHELBY.

I, WILLIAM C. CHANDLER AND CHARLES E. CHANDLER, A MORTGAGEE IN AND FOR SAID DEED AND  
 SAID AT MEMPHIS, TENNESSEE, HAVE HEREBY CAUSED WILLIAM C. CHANDLER AND CHARLES E.  
 CHANDLER, THE WITHIN SIGNED PARTIES, TO BE PERSONALLY ACCREDITED AND SECURED IN  
 WITH CERTAIN DEEDS THAT THE SAID DEEDS HAVE BEEN RECORDED IN THE PUBLIC RECORDS  
 CONTAINED AND SET OUT HEREIN BY ME AND MORTGAGEE, APPROVED, THIS THE 15TH DAY OF  
 APRIL, 1949.

MY COMMISSION EXPIRES: *Sept 7-1952*

STATE PUBLIC



**RESOLUTIONS**  
 1. ALL LOTS IN THE TRACT...  
 2. NO STRUCTURES...  
 3. NO UTILITIES...  
 4. THESE COVENANTS...  
 5. IF THE HEIR...  
 6. THIS IS TO CERTIFY...

CERTIFICATE OF SURVEY:  
 THIS IS TO CERTIFY THAT HE HAS SURVEYED THE PARCELS OF LAND  
 SHOWN HEREON AND THAT THIS PLAT CORRECTLY REPRESENTS THE  
 TRACT HEREON.

SIGNED AND FORWARDED, REGISTERED

BY: *W.C. Chandler*  
 REGISTERED SURVEYOR  
 TENNESSEE LICENSE NO. 1099

APPROVED BY THE CITY OF MEMPHIS PLANNING COMMISSION:  
 DATE: *4-16-49*

REGISTERED SURVEYOR

THIS IS TO CERTIFY THAT HE HAS SURVEYED THE PARCELS OF LAND  
 SHOWN HEREON AND THAT THIS PLAT CORRECTLY REPRESENTS THE  
 TRACT HEREON.

SIGNED AND FORWARDED, REGISTERED

BY: *A.L. Hester*  
 REGISTERED SURVEYOR  
 TENNESSEE LICENSE NO. 1099

REGISTERED SURVEYOR

TENNESSEE LICENSE NO. 1099

REGISTERED SURVEYOR

TENNESSEE LICENSE NO. 1099

REGISTERED SURVEYOR

TENNESSEE LICENSE NO. 1099

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TENNESSEE LICENSE NO. 1099

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TENNESSEE LICENSE NO. 1099

REGISTERED SURVEYOR

TENNESSEE LICENSE NO. 1099

REGISTERED SURVEYOR

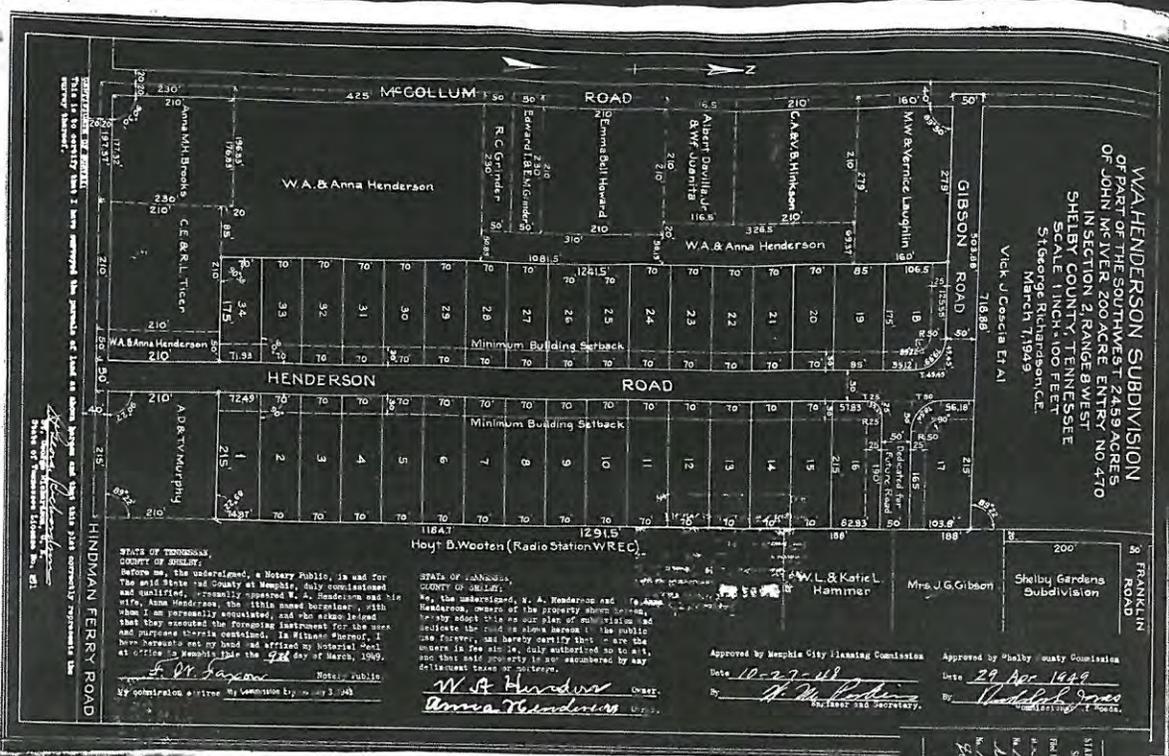
TENNESSEE LICENSE NO. 1099

REGISTERED SURVEYOR

TENNESSEE LICENSE NO. 1099

REGISTERED SURVEYOR

TENNESSEE LICENSE NO. 1099



NOTICE TO THE PUBLIC  
 This is to certify that I have surveyed the grounds of land as shown hereon and that this plan correctly represents the same.  
 J. M. [Signature]  
 Surveyor  
 State of Tennessee, License No. 21

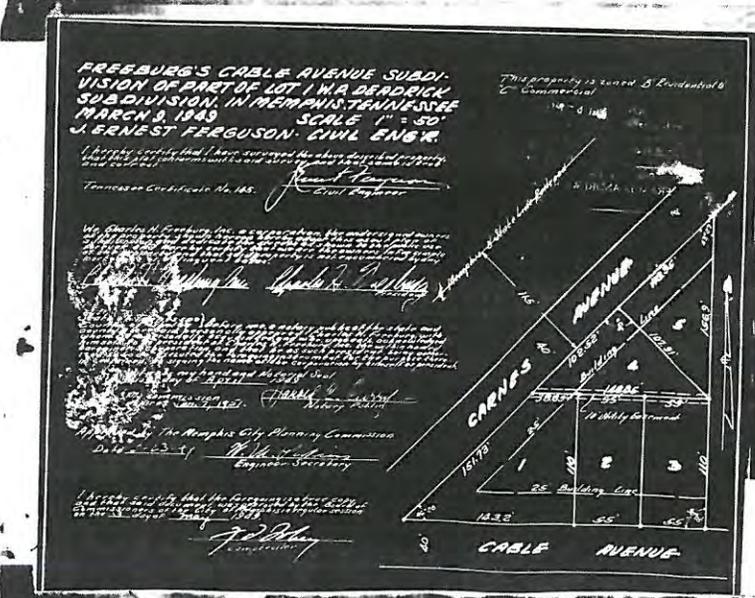
STATE OF TENNESSEE  
 COUNTY OF [Blank]  
 Before me, the undersigned, a Notary Public, in and for the said State and County at Memphis, duly constituted and qualified, personally appeared W. A. Henderson and his wife, Anna Henderson, the 1814 named herein, with whom I am personally acquainted, and who asked me to act as a Notary Public in and for the said State and County at Memphis, Tennessee, in and to the effect that they executed the foregoing instrument for the purpose and to the effect therein contained, in witness whereof, I have hereunto set my hand and affixed my Notary Seal at the office in Memphis, Tennessee, this 29th day of March, 1929.  
 J. M. [Signature] Notary Public  
 My commission expires the 29th day of March, 1930.

STATE OF TENNESSEE  
 COUNTY OF [Blank]  
 We, the undersigned, W. A. Henderson and Anna Henderson, owners of the property shown in the foregoing plat, hereby adopt this as our plan of subdivision and authorize the Clerk of the County to file the same in the office of the County Clerk, in and to the effect that we have, and hereby certify that we are the owners in fee simple, duly authorized so to act, and that said property is not encumbered by any delinquent taxes or mortgages.  
 W. A. Henderson  
 Anna Henderson

Approved by Memphis City Planning Commission  
 Date 10-27-28  
 By [Signature]

Approved by Shelby County Commission  
 Date 29 Apr 1929  
 By [Signature]

STATE OF TENNESSEE  
 SHELBY COUNTY  
 This is to certify that I have surveyed the grounds of land as shown hereon and that this plan correctly represents the same.  
 J. M. [Signature]  
 Surveyor  
 State of Tennessee, License No. 21



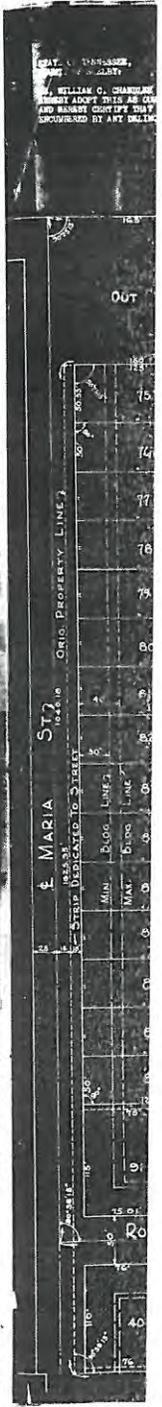
FREEBURG'S CABLE AVENUE SUBDIVISION  
 DIVISION OF PART OF LOT 1 W.A. DEARBICK SUBDIVISION IN MEMPHIS, TENNESSEE  
 MARCH 3, 1928  
 SCALE 1" = 50'  
 J. ERNEST FERGUSON, CIVIL ENGINEER

I hereby certify that I have surveyed the above described property and that this plan correctly represents the same.  
 J. Ernest Ferguson  
 Civil Engineer  
 Tennessee Certificate No. 145

I hereby certify that the Commission on the part of the State of Tennessee has approved this plan of subdivision.  
 J. M. [Signature]  
 Surveyor  
 State of Tennessee, License No. 21

This property is zoned B Residential & Commercial  
 11-1-28

STATE OF TENNESSEE  
 SHELBY COUNTY  
 This is to certify that I have surveyed the grounds of land as shown hereon and that this plan correctly represents the same.  
 J. M. [Signature]  
 Surveyor  
 State of Tennessee, License No. 21



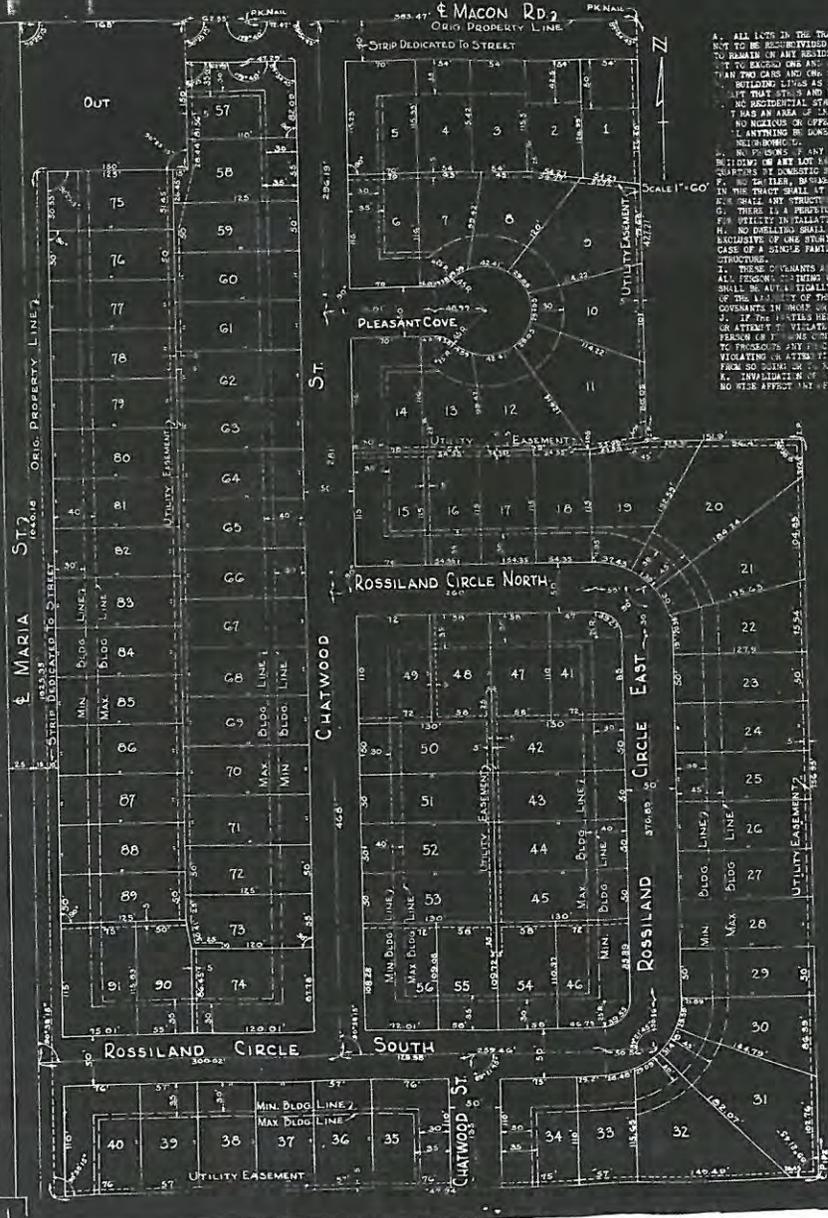
STATE OF TENNESSEE  
COUNTY OF SHELBY  
WILLIAM C. CHANDLER AND CHARLES E. CHANDLER, THE UNDERSIGNED OWNERS OF THE PROPERTY SHOWN HERIN,  
HEREBY ADAPT THIS AS ONE TRACT OF SUBDIVISION AND DEDICATE THE STREETS AS SHOWN TO THE PUBLIC USE FOREVER,  
AND HEREBY CERTIFY THAT HE HAS THE CORRECT SURVEY MADE, AND THAT THE SAID PROPERTY IS NOT  
ENCUMBERED BY ANY DELINQUENT TAXES OR MORTGAGES.

KEMPER, TENNESSEE  
APRIL, 1949

STATE OF TENNESSEE  
COUNTY OF SHELBY  
WILLIAM C. CHANDLER AND CHARLES E. CHANDLER, A NOTARY PUBLIC IN AND FOR SAID STATE AND  
COUNTY AT LENGTHS JULY TWENTY-NINE, A.D. 1949, WILLIAM C. CHANDLER AND CHARLES E.  
CHANDLER, THE WITNESSES FORTHWITH, TO ME, WILLIAM C. CHANDLER AND CHARLES E.  
CHANDLER, THE WITNESSES FORTHWITH, THE WITNESSES FORTHWITH, THE WITNESSES FORTHWITH,  
CONTAINED AND SET FORTH IN THE SAID DEED AND NOTARY SEAL, AFFORSAID, THIS THE TWENTY-NINE  
DAY OF JULY, 1949.

MY COMMISSION EXPIRES: 11-27-1952

WA-HENDERSON SUBDIVISION  
OF PART OF THE SOUTHWEST 24.59 ACRES  
OF JOHN McIVER, 200 ACRE EIGHTY-ONE  
IN SECTION 2, RANGE 8 WEST  
SHELBY COUNTY, TENNESSEE  
SCALE: 1 INCH = 100 FEET



**RESTRICTIONS**

1. ALL LOTS IN THE TRACT SHOWN ON THIS PLAT AS RESIDENTIAL SHALL NOT BE REDEVLOPED, RE-CONSTRUCTED, RE-ERECTED, RE-PAVED, RE-PAVED IN THE TRACT OR IN ANY RESIDENTIAL TRACT, OR IN ANY TRACT CONTAINED THEREIN, TO EXCEED ONE AND ONE-HALF (1 1/2) STORIES AND A PRIVATE GARAGE SHALL BE PROVIDED FOR EACH RESIDENTIAL TRACT. THE PLAN OF SUBDIVISION SHALL BE A PLAN THAT SHOWS AND DESCRIBES THE LOTS, STREETS, AND PUBLIC UTILITIES TO BE LAYED OUT AND PLACED IN ANY BUILDING OR STRUCTURE SHALL NOT EXCEED 40 FEET.

2. NO BUSINESS OR OPERATIVE TRADE ACTIVITY SHALL BE CARRIED ON ANY LOT IN THE TRACT OR IN ANY TRACT CONTAINED THEREIN, OR BE USED AS A SIGN OR ADVERTISEMENT FOR ANY BUSINESS OR OPERATIVE TRADE ACTIVITY.

3. THERE IS A PERPETUAL EASEMENT IN FAVOR OF THE SAID PLAN OF SUBDIVISION FOR UTILITY INSTALLATION AND MAINTENANCE.

4. NO BUILDING SHALL BE PERMITTED IF THE GROUND FLOOR AREA OF THE MAIN STRUCTURE EXCLUSIVE OF ONE STORY OPEN PORCHES AND DECKS IS LESS THAN 700 SQUARE FEET IN THE CASE OF A SINGLE FAMILY HOME OR THIS 1000 SQUARE FEET IN THE CASE OF A TWO FAMILY STRUCTURE.

5. THESE COVENANTS ARE TO RUN WITH THE LAND AND SHALL BE BINDING ON ALL PARTIES AND ALL PERSONS, WHETHER UNDER THE COVENANTS, IN 1949, AT THE TIME SAID COVENANTS SHALL BE APPLIED TO THE LAND, OR AT ANY TIME HEREIN, AND SHALL BE APPLIED TO THE LAND OF THE TRACT OR ANY PART THEREOF, IT IS HEREBY SOLEMNLY AGREED AND COVENANTED IN WRITING ON PART.

6. IF THE PARTIES HEREIN, OR ANY OF THEM, OR THEIR HEIRS, OR ASSIGNS, SHALL VIOLATE OR ATTEMPT TO VIOLATE ANY OF THE COVENANTS HEREIN, IT SHALL BE LAWFUL FOR ANY OTHER PERSON OR PERSONS USING ANY REAL PROPERTY SITUATED IN THE TRACT OR ANY PART THEREOF TO PROSECUTE SUIT AT LAW OR IN EQUITY AGAINST THE VIOLATOR OR PERSONS VIOLATING OR ATTEMPTING TO VIOLATE ANY OF THE COVENANTS AND TO INJUNCTION HIM OR FROM SO DOING OR TO REMOVE CAUSES OR OTHER DEEDS FOR SUCH VIOLATION.

7. THE VIOLATION OF ANY ONE OF THESE COVENANTS BY ANY PARTY SHALL NOT AFFECT THE VALIDITY OF THE OTHER PROVISIONS WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

**CERTIFICATE OF SURVEY:**  
THIS IS TO CERTIFY THAT I HAVE SURVEYED THE PARCELS OF LAND SHOWN HEREON AND THAT THIS PLAT CORRECTLY REPRESENTS SAID SURVEY.

PILOT AND FOREMAN, ENGINEERS  
BY: *W.B. Gentry*  
W. B. GENTRY, CIVIL ENGINEER  
TENNESSEE LICENSE NO. 1099

APPROVED BY THE CITY OF KEMPER PLANNING COMMISSION:  
DATE: 4-27-49

THIS IS TO CERTIFY THAT I HAVE SURVEYED THE PARCELS OF LAND SHOWN HEREON AND THAT THIS PLAT CORRECTLY REPRESENTS SAID SURVEY.  
BY: *W.B. Gentry*  
W. B. GENTRY, CIVIL ENGINEER  
TENNESSEE LICENSE NO. 1099

1132

94 (Revised 1-1-48)  
Form for Subdivisions  
No. 1-1-48  
This form is to be used for all subdivisions of land in Shelby County, Tennessee.  
It is to be filled out by the surveyor and filed with the Register of Deeds.  
The fee for this form is \$1.00.  
FRANCIS ANNAND, JR., REGISTER  
SHELBY COUNTY, TENNESSEE





# Brittenum

## Law pllc

ATTORNEY AT LAW  
Airways Professional Center – Aerotropolis  
3385 Airways Boulevard, Suite 229  
Memphis, Tennessee 38116 USA  
Telephone 901.347.3978  
Facsimile 901.800.1927  
[db@brittenumlaw.com](mailto:db@brittenumlaw.com)

5 August 2021

Via Hand Delivery

Josh Whitehead, AICP  
Planning Director / Administrator  
Memphis & Shelby County Office of Planning and Development  
City Hall  
125 North Main Street, Suite 468  
Memphis, TN 38103

RE: 0 Hindman Avenue - Application for Rezoning Approval  
Hindman Avenue Section – Application for Street Closure Approval

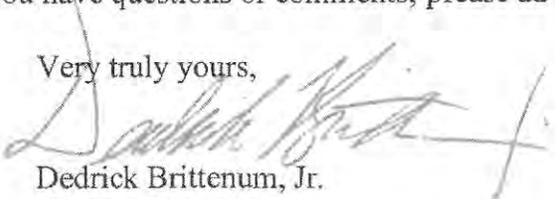
Dear Administrator Whitehead:

I represent MIM LLC for rezoning and street closure applications to redevelop the above tract for Commercial Mixed Use-3 zoning district (CMU-3) use. The subject property is currently zoned R-6 with no overlay district. The applications request approval of the CMU-3 zoning district and the closure of the section of Hindman Avenue adjacent to the requested rezoning parcel on the south. Although the large tract due east is zoned R-6, it is showing on the zoning map legend as industrial use. Upon approval, the Hindman parcel and the closed Hindman Avenue section will be one lot located adjacent to I-40 west. Enclosed are the Application for Rezoning Approval and the Applications for Right-of-Way Vacation/ Street/Alley/Closure Approval. Please consider these applications as companion cases.

The 0 Hindman Avenue parcel was sold at tax sale to the Shelby County Land Bank in January 2020. It was sold to the Applicant here as the highest bidder upon confirmation by the Shelby County Commission in February 2021 for future development. The subject parcel is vacant land. The closure of the section of Hindman Avenue currently used for illegal dumping of furniture, tires, trash and other debris will reduce blight in the area.

Thank you for your attention and should you have questions or comments, please advise.  
I remain,

Very truly yours,

  
Dedrick Brittenum, Jr.

enclosure

## LEGAL DESCRIPTION

### proposed road closure

BEGINNING AT A NAIL SET AT THE INTERSECTION OF THE CENTERLINE OF HINDMAN AVENUE (40' WIDE) AND THE EAST LINE OF HENDERSON STREET (50' WIDE) HAVING TN STATE PLANE COORDINATES (NAD83) OF **N:337602.08, E:769901.92**; THENCE ALONG THE CENTERLINE OF HINDMAN EASTERLY WITH A BEARING OF **S 86°07'05" E** A DISTANCE OF **215.00** FEET TO AIRON PIN SET; THENCE SOUTHERLY WITH A BEARING OF **S 03°14'55" W** A DISTANCE OF **20.00** FEET TO A POINT; THENCE WESTERLY ALONG THE SOUTHERLY LINE OF HINDMAN AVENUE WITH A BEARING OF **N 86°07'05" W** A DISTANCE OF **215.00** FEET TO A POINT; THENCE NORTHERLY WITH A BEARING OF **N 03°14'55" E** A DISTANCE OF **20.00** FEET TO THE POINT OF BEGINNING.; CONTAINING **4300.00** SQUARE FEET OR **0.099** ACRES MORE OR LESS.

This description was generated on 8/3/2021 at 12:08 PM, based on geometry in the drawing file C:\Users\Wes Dell Laptop\OneDrive - Ashworth Engineering, PLLC\JOBS\210325-1544 Hindman- Prentis Mitchell\03 Sheets\SITE PLAN.dwg.



**CITY OF MEMPHIS  
COUNCIL AGENDA CHECK OFF SHEET**

**ONE ORIGINAL  
ONLY STAPLED  
TO DOCUMENTS**

**Planning & Development  
DIVISION**

Planning & Zoning COMMITTEE: 10/19/2021  
DATE

PUBLIC SESSION: 10/19/2021  
DATE

**ITEM (CHECK ONE)**

ORDINANCE       CONDEMNATIONS       GRANT ACCEPTANCE / AMENDMENT  
 RESOLUTION       GRANT APPLICATION       REQUEST FOR PUBLIC HEARING  
 OTHER: \_\_\_\_\_

**ITEM DESCRIPTION:** A resolution approving a Special Use Permit. The item was heard and a recommendation was made by the Memphis & Shelby County Land Use Control Board.

**CASE NUMBER:** SUP 21-17

**DEVELOPMENT:** 105-foot Monopole Communications (CMCS) Tower

**LOCATION:** 2531 N. Watkins St.

**COUNCIL DISTRICTS:** District 7 and Super District 8 – Positions 1, 2, and 3

**OWNER/APPLICANT:** Vertical Bridge Landco, LLC/Kristi Eskew, VB BTS, LLC c/o Collective Solutions, LLC

**REPRESENTATIVE:** Kristi Eskew, VB BTS, LLC c/o Collective Solutions, LLC

**EXISTING ZONING:** Residential – 6 (R-6)

**REQUEST:** To allow a 105-foot Monopole Communications (CMCS) Tower

**AREA:** +/-29.166 acres

**RECOMMENDATION:** The Division of Planning and Development recommended *Approval with conditions*  
The Land Use Control Board recommended *Approval with conditions*

**RECOMMENDED COUNCIL ACTION:** **Public Hearing Not Required**

**PRIOR ACTION ON ITEM:**

(1) _____	APPROVAL - (1) APPROVED (2) DENIED
09/09/2021	DATE
(1) Land Use Control Board	ORGANIZATION - (1) BOARD / COMMISSION
	(2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

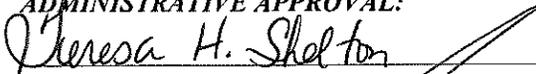
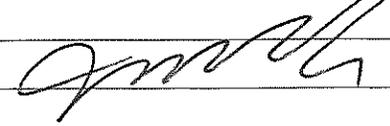
**FUNDING:**

(2) _____	REQUIRES CITY EXPENDITURE - (1) YES (2) NO
\$ _____	AMOUNT OF EXPENDITURE
\$ _____	REVENUE TO BE RECEIVED

**SOURCE AND AMOUNT OF FUNDS**

\$ _____	OPERATING BUDGET
\$ _____	CIP PROJECT # _____
\$ _____	FEDERAL/STATE/OTHER

**ADMINISTRATIVE APPROVAL:**

	<u>DATE</u>	<u>POSITION</u>
	9/24/21	PRINCIPAL PLANNER
	9/29/21	DEPUTY ADMINISTRATOR
_____	_____	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	<b>CHIEF ADMINISTRATIVE OFFICER</b>
_____	_____	<b>COMMITTEE CHAIRMAN</b>

## ***LAND USE CONTROL BOARD RECOMMENDATION***

At its regular meeting on ***Thursday, September 9, 2021***, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

**CASE NUMBER:** SUP 21-17

**LOCATION:** 2531 N. Watkins St.

**COUNCIL DISTRICT(S):** District 7 and Super District 8 – Positions 1, 2, and 3

**OWNER/APPLICANT:** Vertical Bridge Landco, LLC/Kristi Eskew, VB BTS, LLC c/o Collective Solutions, LLC

**REPRESENTATIVE:** Kristi Eskew, VB BTS, LLC c/o Collective Solutions, LLC

**REQUEST:** To allow a 105-foot Monopole Communications (CMCS) Tower

**EXISTING ZONING:** Residential – 6 (R-6)

**AREA:** +/-29.166 acres

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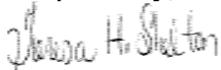
**The following spoke in support of the application:** None

**The following spoke in opposition the application:** None

The Land Use Control Board reviewed the application and the staff report. A motion was made and seconded to recommend approval with conditions.

**The motion passed by a vote of 9-0 on the consent agenda.**

Respectfully,



Teresa H. Shelton  
Municipal Planner  
Land Use and Development Services  
Division of Planning and Development

Cc: Committee Members  
File

**SUP 21-17**  
**CONDITIONS**

1. The compound shall be screened by evergreen landscaping and shall be subject to final review and approval by the Division of Planning and Development. All landscaping and screening shall be installed prior to launch and operation of the tower equipment. Required landscaping shall not be placed on or over any sewer or drainage easements or under any utility easement.
2. The equipment compound shall be enclosed by a 6-foot wooden privacy around the lease area to conceal the ground equipment. The compound gates will be chain link with concealment slats.
3. The maximum tower height shall be one-hundred five (105) feet Monopole Communications (CMCS) tower.
4. The tower and related equipment shall be removed within one-hundred eighty (180) days of ceasing operations.
5. The tower shall be constructed within two (2) years of approval by the Memphis City Council. The Land Use Control Board may grant a time extension through the applicant filing a correspondence item application with public notice sent to all property owners within five hundred feet (500') feet of the property.
6. The tower compound shall be completely enclosed with a six-foot (6') wooden fence around the perimeters of these features; however, a 12-foot-wide chain-linked double swing gate shall be allowed to provide access to the CMCS Tower.
7. Any interference with Memphis-Shelby County emergency communications by a station using this tower shall be the responsibility of the station and tower owner to remedy.



**RESOLUTION APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY  
LOCATED AT 2531 N. WATKINS ST., KNOWN AS CASE NUMBER SUP 21-17.**

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**WHEREAS**, Chapter 9.6 of the Memphis and Shelby County Unified Development Code, being a section of the Joint Ordinance Resolution No. 5367, dated August 10, 2010, authorizes the Council of the City of Memphis to grant a special use permit for certain stated purposes in the various zoning districts; and

**WHEREAS**, Vertical Bridge Landco, LLC filed an application with the Memphis and Shelby County Office of Planning and Development to allow a 105-foot Monopole Communications (CMCS) Tower; and

**WHEREAS**, the Division of Planning and Development has received and reviewed the application in accordance with procedures, objectives, and standards for special use permits as set forth in Chapter 9.6 with regard to the proposed development's impacts upon surrounding properties, availability of public facilities, both external and internal circulation, land use compatibility, and that the design and amenities are consistent with the public interest; and has submitted its findings and recommendation concerning the above considerations to the Land Use Control Board; and

**WHEREAS**, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on September 9, 2021, and said Board has submitted its findings and recommendation concerning the above considerations to the Council of the City of Memphis; and

**WHEREAS**, the Council of the City of Memphis has reviewed the aforementioned application pursuant to Tennessee Code Annotated Section 13-4-202(B)(2)(B)(iii) and has determined that said development is consistent with the Memphis 3.0 General Plan; and

**WHEREAS**, the Council of the City of Memphis has reviewed the recommendation of the Land Use Control Board and the report and recommendation of the Division of Planning and Development and has determined that said development meets the objectives, standards and criteria for a special use permit, and said development is consistent with the public interests.

**NOW, THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF MEMPHIS**, that, pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code, a special use permit is hereby granted for the request use in accordance with the attached conditions.

**BE IT FURTHER RESOLVED**, that this permit merely authorizes the filing of applications to acquire a Certificate of Use and Occupancy, or a Building Permit, and other required permits and approvals, provided that no such Certificate of Use and Occupancy shall be granted until all conditions imposed by the Council of the City of Memphis have been met.

**BE IT FURTHER RESOLVED**, that this Resolution take effect from and after the date it shall have been passed by this Council of the City of Memphis, and become effective as otherwise provided by law, and thereafter shall be treated as in full force and effect by virtue of passage thereof by the Council of the City of Memphis, the public welfare requiring same.

***ATTEST:***

**CC: Division of Planning and Development  
– Land Use and Development Services  
– Office of Construction Enforcement**

## CONDITIONS

1. The compound shall be screened by evergreen landscaping and shall be subject to final review and approval by the Division of Planning and Development. All landscaping and screening shall be installed prior to launch and operation of the tower equipment. Required landscaping shall not be placed on or over any sewer or drainage easements or under any utility easement.
2. The equipment compound shall be enclosed by a 6-foot wooden privacy around the lease area to conceal the ground equipment. The compound gates will be chain link with concealment slats.
3. The maximum tower height shall be one-hundred five (105) feet Monopole Communications (CMCS) tower.
4. The tower and related equipment shall be removed within one-hundred eighty (180) days of ceasing operations.
5. The tower shall be constructed within two (2) years of approval by the Memphis City Council. The Land Use Control Board may grant a time extension through the applicant filing a correspondence item application with public notice sent to all property owners within five hundred feet (500') feet of the property.
6. The tower compound shall be completely enclosed with a six-foot (6') wooden fence around the perimeters of these features; however, a 12-foot-wide chain-linked double swing gate shall be allowed to provide access to the CMCS Tower.
7. Any interference with Memphis-Shelby County emergency communications by a station using this tower shall be the responsibility of the station and tower owner to remedy.





## Memphis City Council Summary Sheet

### *SUP 21-17*

Resolution requesting a 105-foot Monopole Communications (CMCS) Tower:

- This item is a resolution with conditions for a special use permit to allow the above; and
- The Division of Planning & Development at the request of the Owner(s)/Applicant(s): Vertical Bridge Landco, LLC and Representative(s): Kristi Eskew, VB BTS, LLC c/o Collective Solutions, LLC; and
- Approval of this special use permit will be reflected on the Memphis and Shelby County Zoning Atlas; and
- The item will not require future public improvement contracts.



Vertical Bridge RBIT, LLC  
750 Park of Commerce Drive, Suite 200  
Boca Raton, FL 33487  
+1 (561) 948 - 6367  
VerticalBridge.com

June 28, 2021

Memphis and Shelby County  
Office of Planning and Development – City Hall  
125 North Main Street, Suite 477  
Memphis, TN 38103  
Phone (901) 636-6601

RE: Proposed New Cell Tower in Shelby County by Applicant VB BTS, LLC (“Vertical Bridge”)  
Address: 2531 N. Watkins Street, Memphis, TN 38127  
Parcel: 21170500000000 (ID # 070028-00015)  
Lat/Long Coordinates: 35.193642, -90.008667  
Tower Design/Height: 105’ Monopole Tower with 10’ Lightning Rod attachment

Dear Shelby County Planning Office:

The newly proposed cell tower with location described above is required in this location to address coverage and capacity for DISH Wireless. The public will greatly benefit if the zoning approval is granted for the new tower, which will provide better coverage, capacity, and E911 service in the area. The proposed tower is located within the DISH search ring, and, in evaluating the area, DISH determined that there were no existing towers or structures within DISH’s search parameters on which the DISH equipment could be located of which could serve as an alternative to the proposed new tower to provide optimal coverage.

Vertical Bridge’s communication facility will comply with all regulations administered by the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), and all applicable governmental bodies that regulate communications towers.

In addition, Vertical Bridge is submitting this letter as intent to committing for allowing the shared use of the tower if capacity exists based on existing and planned use, and if a future applicant agrees in writing. The shared use, or co-location of other future applicant equipment, where structurally, technically, physically, economically, and contractually feasible, including the cost of modifying the tower would be borne by the future co-locating applicant.

Please do not hesitate to reach out to me with any questions.

Sincerely,

Steve Hedges, Project Manager  
Vertical Bridge (VB BTS, LLC)  
750 Park of Commerce Drive, Suite 200  
Boca Raton, FL 33487  
773.988.1715 mobile  
[SHedges@verticalbridge.com](mailto:SHedges@verticalbridge.com)



## MEMPHIS AND SHELBY COUNTY

### Record Summary for Special Use Permit

#### Record Detail Information

Record Type: Special Use Permit

Record Status: Assignment

Opened Date: June 29, 2021

Record Number: SUP 2021-017

Expiration Date:

Record Name: US-MO-5263 Watkins

Description of Work: New 75' x 75' fenced compound within 100' x 100' tower easement premises and new 105' monopole. New Gravel access road and utilities. No new water or sewer is required.

Parent Record Number:

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Address: 2531 N WATKINS ST, MEMPHIS 38127

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#### Owner Information

Primary	Owner Name	Owner Address	Owner Phone
Yes	VERTICAL BRIDGE LANDCO LLC	2800 POST OAK BLVD, HOUSTON, TX 77056	(773) 988-1715

---

#### Parcel Information

Parcel No:  
070028 00015

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**Contact Information**

Name: Kristi Eskew  
Organization Name: VB BTS, LLC c/o Collective Solutions, LLC  
Contact Type: Applicant  
Phone: (314) 989-9810  
Suffix:  
Address:

---

Steve Hedges  
Vertical Bridge Landco, LLC  
Property Owner of Record  
(773) 988-1715  
Address:

---

Angel Gandara  
WT Group  
Architect / Engineer / Surveyor  
(214) 384-0744  
Address:

**Fee Information**

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed	Unit	Fee Code
1308614	Credit Card Use Fee (.026 x fee)	1	0.00	INVOICED	0.00	06/29/2021		PLNGSPUSE 10
1309727	Special Use Permit Fee - 5 acres or less (Base Fee)	1	500.00	INVOICED	0.00	07/02/2021		PLNGSPUSE 01
1309784	Credit Card Use Fee (.026 x fee)	1	13.00	INVOICED	0.00	07/02/2021		PLNGSPUSE 10
Total Fee Invoiced: \$513.00					Total Balance: \$0.00			

**Payment Information**

Payment Amount: \$513.00  
Method of Payment: Credit Card

**Data Fields**

**PREAPPLICATION MEETING**

Preapplication Meeting: No  
Date of Meeting: -  
Name of OPD Planner: -

## GENERAL PROJECT INFORMATION

Application Type	New Special Use Permit
Previous Case Number	-
Is this application in response to a citation from Construction Code Enforcement or Zoning Letter?	No
If yes, please provide additional information	-

---

## APPROVAL CRITERIA

The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare (UDC Sub-Section 9.6.9A).	Correct - Property usage would add a telecommunications tower, there are already two AM towers located on the property.
UDC Sub-Section 9.6.9B	Construction is located within a section of the property that will not interfere with any future constructions or developments in surrounding areas.
UDC Sub-Section 9.6.9C	Project will have the existing access extended to the construction area, the existing access from the ROW will not be disturbed. This is an unmanned facility, as such, water and sewer facilities will not need to be obtained.
UDC Sub-Section 9.6.9D	Correct, this project is within the property.
UDC Sub-Section 9.6.9E	Yes
UDC Sub-Section 9.6.9F	Correct

---

## GIS INFORMATION

Case Layer	-
Central Business Improvement District	No
Class	-
Downtown Fire District	No
Historic District	-
Land Use	-
Municipality	-
Overlay/Special Purpose District	-
Zoning	-
State Route	-
Lot	-

Subdivision -

Planned Development District -

---

**Data Tables**

**ADDRESS AND PARCEL LIST**

Property Address: 2531 N Watkins St

Property Parcel 070028 00015

Number:

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**AREA INFORMATION**

Name: Vertical Bridge Landco, LLC

Size (Acres): 29.166

Overlay District: N/A

Existing Use of Utility/RR

Property:

Requested Use of Utility/RR

Property:

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# RAW LAND SURVEY

## SURVEYOR'S NOTES

1. BASIS OF BEARING, DEED AS RECORDED IN INSTRUMENT NO. GL3914, R.O.S.C.T.N.
2. NO SUBSURFACE INVESTIGATION WAS PERFORMED TO LOCATE UNDERGROUND UTILITIES. UTILITIES SHOWN HEREON ARE LIMITED TO AND ARE PER OBSERVED EVIDENCE ONLY.
3. AT THE TIME OF THIS SURVEY, THERE WERE NO VISIBLE ENCROACHMENTS AFFECTING THE LEASE AREA OR ANY VB EASEMENTS AND ALL ARE CONTAINED WHOLLY WITHIN THE PARENT TRACT PARCEL.
4. THE ACCESS/UTILITY EASEMENT GOES TO N. WATKINS STREET, A PUBLIC RIGHT OF WAY.
5. UNLESS OTHERWISE NOTED, ALL VISIBLE TOWER EQUIPMENT AND IMPROVEMENTS ARE CONTAINED WITHIN THE DESCRIBED AREA.
6. ZONING: N/A
7. FLOOD NOTE: THE TOWER AREA BEING LOCATED IN PANEL NO. 47157C0260F DOES NOT LIE IN AN AREA DESIGNATED AS A SPECIAL FLOOD HAZARD (ZONE "X") BEARING AN EFFECTIVE DATE OF 9-28-07, AS PER FEMA.GOV WEBSITE.

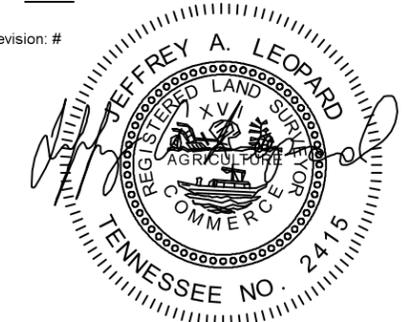
## SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY TO: Vertical Bridge REIT, LLC, a Delaware limited liability company, its subsidiaries, and their respective successors and/or assigns; Toronto Dominion (Texas) LLC, as Administrative Agent, for itself and on behalf of the lenders parties from time to time to that certain Second Amended and Restated Loan Agreement dated June 17, 2016 with Vertical Bridge Holdco, LLC, as borrower, and Vertical Bridge Holdco Parent, LLC, as parent, as may be amended, restated, modified or renewed, their successors and assigns as their interests may appear.

B2L HOME AND PROPERTY SOLUTIONS, LLC.  
JEFFREY A. LEOPARD  
LAND SURVEYOR - TN #2415

Date: 4-5-21

Revision: #



**verticalbridge**

**SITE NAME: WATKINS & I-40**  
**SITE NUMBER: US-TN-5263**  
**ADDRESS: 2531 N. WATKINS ST.**  
**MEMPHIS, TN 38127**  
**SHELBY COUNTY**

**SURVEY WORK PERFORMED BY:**



1198 OLD PINNACLE RD.  
JOELTON, TN 37080  
PHONE: (615) 212-5703  
E-MAIL: b2lhps@gmail.com  
www.b2lhps.com

DRAWN BY: CB CHECKED BY: JL JOB #:LS-1255

**NATIONAL SURVEY SERVICES COORDINATION BY:**

**GEOLINE SURVEYING, INC.**  
13430 NW 104th Terrace, Suite A  
Alachua, FL 32615  
Office: (386) 418-0500  
Fax: (386) 462-9986  
WWW.GEOLINEINC.COM

SHEET 1 OF 4

## LEGEND

- : IRON PIPE (FOUND)
- : MONUMENT (FOUND)
- ⊗ : FENCE POST (FOUND)
- ⊗ : RAILROAD SPIKE (FOUND)
- ⊗ : IRON PIN (FOUND)
- : IRON PIN (SET)
- P.O.B. : POINT OF BEGINNING
- P.O.C. : POINT OF COMMENCEMENT
- P.O.T. : POINT OF TERMINUS
- R.O.W. : RIGHT-OF-WAY
- C.M.P. : CURROGATED METAL PIPE
- N/A : NOT AVAILABLE
- : FENCE AS NOTED
- P — : OVERHEAD POWER LINES
- C — : CENTERLINE
- △ : TELCOM PEDESTAL
- ⊙ : POWER POLE
- ⊙ : UTILITY BOX
- ⊕ : AREA LIGHT
- ⊙ : SEWER MANHOLE
- ⊙ : SATELLITE DISH

## TOWER PARCEL DATA

LINE	BEARING	DISTANCE
L1	S 03°24'21" W	166.81'
L2	S 07°25'32" W	175.41'
L3	S 03°24'21" W	633.95'
L4	N 85°57'50" W	1048.84'
L5	N 03°17'16" E	1161.06'
L6	S 85°49'15" E	1102.18'

## TOWER PARCEL CURVE DATA

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	32.27'	1686.10'	1°05'48"	S 03°50'52" W	32.27'
C2	156.18'	311.31'	28°44'40"	S 17°46'41" W	154.55'

## 20' ACCESS & UTILITY EASEMENT

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C3	54.98'	35.00'	90°00'00"	N 47°50'23" E	49.50'

## 20' ACCESS & UTILITY EASEMENT

LINE	BEARING	DISTANCE
L11	S 87°09'37" E	39.85'
L12	N 02°50'23" E	557.31'
L13	N 00°27'21" E	39.41'
L14	N 01°30'06" W	157.89'
L15	N 05°37'35" E	77.16'
L16	N 14°31'26" E	44.29'
L17	N 30°30'03" E	22.85'
L18	N 53°55'57" E	17.27'
L19	N 77°21'57" E	29.93'

P.O.C. TOWER PARCEL  
RAILROAD SPIKE (FOUND)

OWNER: WATKINS MANOR APARTMENTS LLC  
TAX ID: 070028 00014  
DEED REFERENCE: INST. NO. 19037995

P.O.B. TOWER  
PARCEL IRON  
PIN (FOUND)

OWNER: DAVID R & LYNSTI HARTMAN  
TAX ID: 070028 00028C  
DEED REFERENCE: INST. NO. 13057468

OWNER: VERTICAL BRIDGE LANDCO LLC  
TAX ID: 070028 00015  
DEED REFERENCE: INST. NO. 17005237

TOWER PARCEL  
1263763.17 Sq. Feet  
29.01 Acres

US-TN-5025  
TOWER "2" - SELF-SUPPORT  
(SEE SHEET 2 FOR DETAIL)

(7) EASEMENT CONTRACT  
J78042

US-TN-5021  
TOWER "1" - GUYED (SEE  
SHEET 2 FOR DETAIL)

US-TN-5026  
TOWER "3" - SELF-SUPPORT  
(SEE SHEET 2 FOR DETAIL)

30' ACCESS & UTILITY EASEMENT  
20819.19 Sq. Feet  
0.48 Acres

P.O.B. 30' ACCESS  
& UTILITY EASEMENT

TOWER EASEMENT PREMISES  
10000.00 Sq. Feet  
0.23 Acres

P.O.B. TOWER  
EASEMENT  
PREMISES

## TOWER EASEMENT PREMISES

LINE	BEARING	DISTANCE
L7	N 85°57'50" W	100.00'
L8	N 04°02'10" E	100.00'
L9	S 85°57'50" E	100.00'
L10	S 04°02'10" W	100.00'

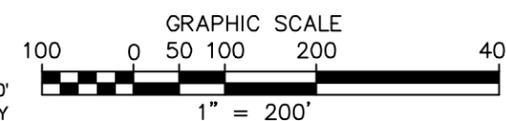
OWNER: SHELBY COUNTY TAX SALE  
TAX ID: 070028 00016  
DEED REFERENCE: INST. NO. TX-2018

AREA TABLE	SQUARE FEET	ACREAGE
(A) TOWER PARCEL	1,263,763.17 +/-	29.01 +/-
(B) TOWER COMPOUND 2	2,937.28 +/-	0.07 +/-
(C) TOWER COMPOUND 3	3,077.34 +/-	0.07 +/-
(D) TOWER EASEMENT PREMISES	10,000.00 +/-	0.23 +/-
(E) 30' ACCESS & UTILITY EASEMENT	31,228.79 +/-	0.72 +/-

HINDMAN AVE. (PUBLIC R.O.W.)

N 30°18'07" W  
121.11'

P.O.C. TOWER  
EASEMENT  
PREMISES AND 30'  
ACCESS & UTILITY  
EASEMENT



(7) CORRESPONDS WITH B-II ITEMS OF  
TITLE COMMITMENT ON PAGE 3

## PROPERTY ADJOINER INFORMATION

① OWNER: IRVIN L & MARY A COLLIER  
TAX ID: 070028 00027  
DEED REFERENCE: INST. NO. BC4787

② OWNER: CONFIDENCE HOLDINGS, LLC  
TAX ID: 070028 00026  
DEED REFERENCE: INST. NO. 19049719

③ OWNER: TED D COCHRAN  
TAX ID: 070028 00025  
DEED REFERENCE: INST. NO. DP7589

④ OWNER: TEDDY D COCHRAN  
TAX ID: 070028 00024  
DEED REFERENCE: INST. NO. BE8153

⑤ OWNER: F AND S PROPERTY INVESTMENTS LLC.  
TAX ID: 070028 00023  
DEED REFERENCE: INST. NO. 10064176

⑥ OWNER: WILLIAM A SWINFORD  
TAX ID: 070028 00022  
DEED REFERENCE: INST. NO. 18126772

⑦ OWNER: MICHAEL RAYMOND  
TAX ID: 070028 00021  
DEED REFERENCE: INST. NO. 10056836

⑧ OWNER: SHELBY COUNTY TAX SALE  
TAX ID: 070028 00020  
DEED REFERENCE: INST. NO. 9486-1

⑨ OWNER: BURNIE MITCHELL JR  
TAX ID: 070028 00019  
DEED REFERENCE: INST. NO. GF8721

⑩ OWNER: LARRY & DEBORAH HENDERSON  
TAX ID: 070028 00018  
DEED REFERENCE: INST. NO. 10000135

⑪ OWNER: LARRY & DEBORAH HENDERSON  
TAX ID: 070028 00017  
DEED REFERENCE: INST. NO. 10000135

# RAW LAND SURVEY

## SURVEYOR'S NOTES

1. BASIS OF BEARING, DEED AS RECORDED IN INSTRUMENT NO. GL3914, R.O.S.C.T.N.
2. NO SUBSURFACE INVESTIGATION WAS PERFORMED TO LOCATE UNDERGROUND UTILITIES. UTILITIES SHOWN HEREON ARE LIMITED TO AND ARE PER OBSERVED EVIDENCE ONLY.
3. AT THE TIME OF THIS SURVEY, THERE WERE NO VISIBLE ENCROACHMENTS AFFECTING THE LEASE AREA OR ANY VB EASEMENTS AND ALL ARE CONTAINED WHOLLY WITHIN THE PARENT TRACT PARCEL.
4. THE ACCESS/UTILITY EASEMENT GOES TO N. WATKINS STREET, A PUBLIC RIGHT OF WAY.
5. UNLESS OTHERWISE NOTED, ALL VISIBLE TOWER EQUIPMENT AND IMPROVEMENTS ARE CONTAINED WITHIN THE DESCRIBED AREA.
6. ZONING: N/A
7. FLOOD NOTE: THE TOWER AREA BEING LOCATED IN PANEL NO. 47157C0260F DOES NOT LIE IN AN AREA DESIGNATED AS A SPECIAL FLOOD HAZARD (ZONE "X") BEARING AN EFFECTIVE DATE OF 9-28-07, AS PER FEMA.GOV WEBSITE.

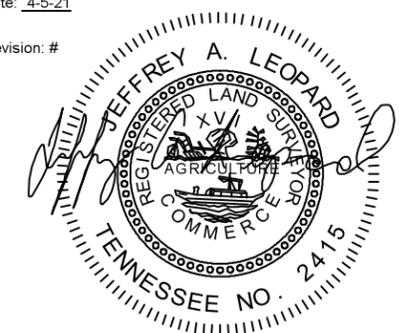
## SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY TO: Vertical Bridge REIT, LLC, a Delaware limited liability company, its subsidiaries, and their respective successors and/or assigns; Toronto Dominion (Texas) LLC, as Administrative Agent, for itself and on behalf of the lenders parties from time to time to that certain Second Amended and Restated Loan Agreement dated June 17, 2016 with Vertical Bridge Holdco, LLC, as borrower, and Vertical Bridge Holdco Parent, LLC, as parent, as may be amended, restated, modified or renewed, their successors and assigns as their interests may appear.

B2L HOME AND PROPERTY SOLUTIONS, LLC.  
JEFFREY A. LEOPARD  
LAND SURVEYOR - TN #2415

Date: 4-5-21

Revision: #



**verticalbridge**

**SITE NAME: WATKINS & I-40**  
**SITE NUMBER: US-TN-5263**  
**ADDRESS: 2531 N. WATKINS ST.**  
**MEMPHIS, TN 38127**  
**SHELBY COUNTY**

**SURVEY WORK PERFORMED BY:**



1198 OLD PINNACLE RD.  
JOELTON, TN 37080  
PHONE: (615) 212-5703  
E-MAIL: b2lhps@gmail.com  
www.b2lhps.com

DRAWN BY: CB

CHECKED BY: JL

JOB #: LS-1255

**NATIONAL SURVEY SERVICES COORDINATION BY:**

**GEOLINE SURVEYING, INC.**  
13430 NW 104th Terrace, Suite A  
Alachua, FL 32615  
Office: (386) 418-0500  
Fax: (386) 462-9986  
WWW.GEOLINEINC.COM

SHEET 2 OF 4



L9

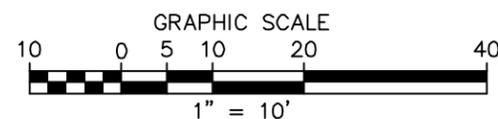
### LEGEND

○ IRON PIN (SET)

TOWER LEASE  
10000.00 Sq. Feet  
0.23 Acres

L8

L10



L7

# RAW LAND SURVEY

## SURVEYOR'S NOTES

1. BASIS OF BEARING, DEED AS RECORDED IN INSTRUMENT NO. GL3914, R.O.S.C.T.N.
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6. ZONING: N/A
7. FLOOD NOTE: THE TOWER AREA BEING LOCATED IN PANEL NO. 47157C0260F DOES NOT LIE IN AN AREA DESIGNATED AS A SPECIAL FLOOD HAZARD (ZONE "X") BEARING AN EFFECTIVE DATE OF 9-28-07, AS PER FEMA.GOV WEBSITE.

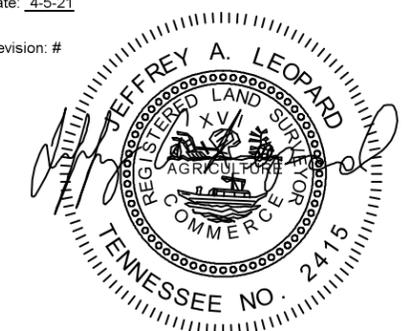
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B2L HOME AND PROPERTY SOLUTIONS, LLC.  
JEFFREY A. LEOPARD  
LAND SURVEYOR - TN # 2415

Date: 4-5-21

Revision: #



**verticalbridge**

**SITE NAME: WATKINS & I-40**  
**SITE NUMBER: US-TN-5263**  
**ADDRESS: 2531 N. WATKINS ST.**  
**MEMPHIS, TN 38127**  
**SHELBY COUNTY**

**SURVEY WORK PERFORMED BY:**



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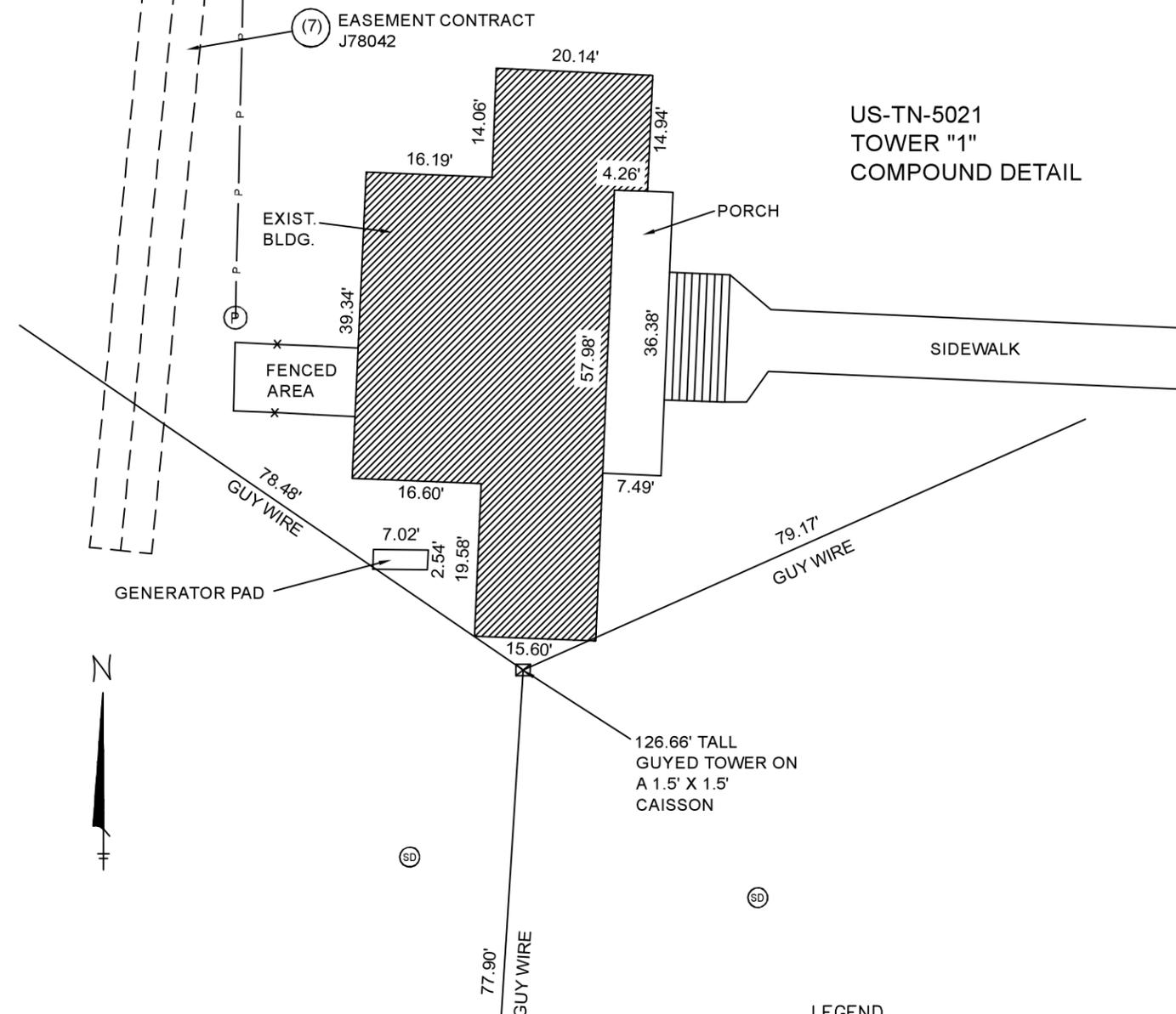
DRAWN BY: CB      CHECKED BY: JL      JOB #: LS-1255

**NATIONAL SURVEY SERVICES COORDINATION BY:**

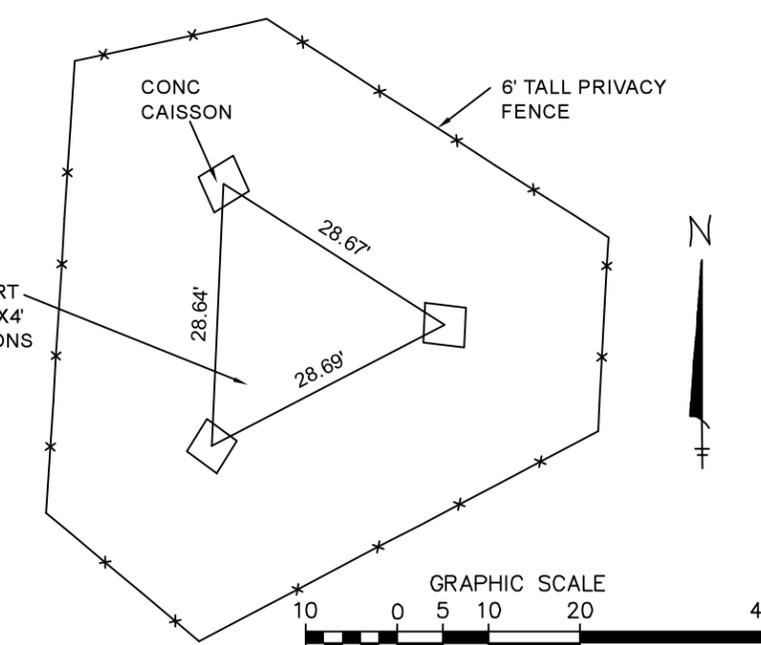
**GEOLINE SURVEYING, INC.**      13430 NW 104th Terrace, Suite A  
Alachua, FL 32615  
Office: (386) 418-0500  
Fax: (386) 462-9986  
WWW.GEOLINEINC.COM

SHEET 3 OF 4

## US-TN-5021 TOWER "1" COMPOUND DETAIL



177.60' TALL  
SELF-SUPPORT  
TOWER ON 4'X4'  
CONC CAISSONS



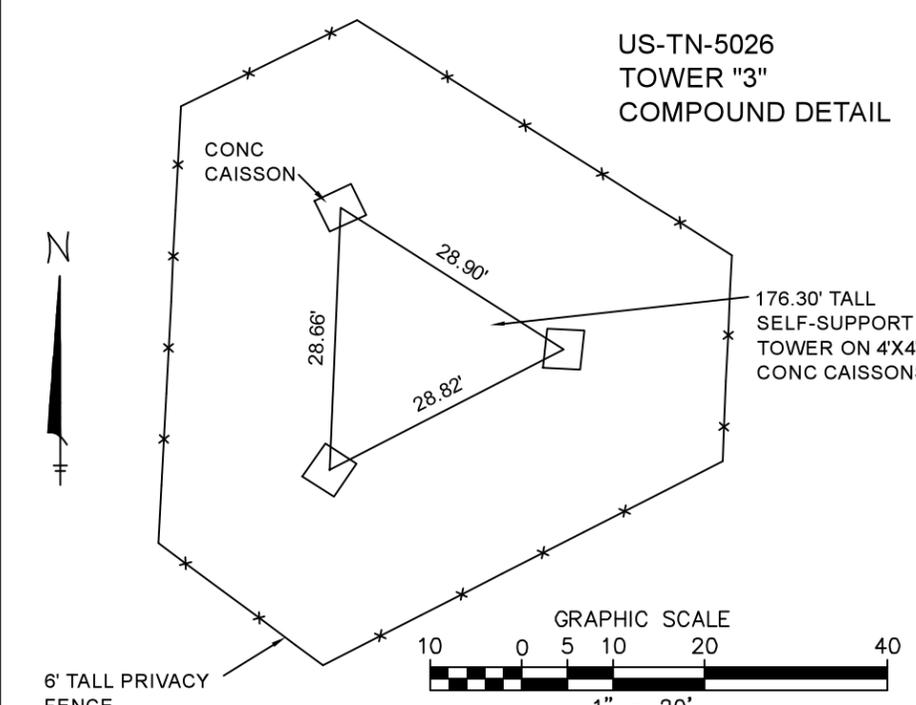
## US-TN-5025 TOWER "2" COMPOUND DETAIL

FAA 1-A TOWER LOCATION INFORMATION FOR US-TN-5025 - TOWER 2:  
177.60'± 1' SELF-SUPPORT TOWER  
ON A 4.5' TALL CONCRETE CAISSON

NAD 83  
LATITUDE = 35°11'43.23" N ± 20'  
LONGITUDE = 90°00'35.62" W ± 20'

GROUND ELEVATION AT BASE OF TOWER = 236.20' ± 3' NAVD88  
HEIGHT OF TOP OF TOWER ABOVE GROUND = 182.10'± 1'  
HEIGHT OF HIGHEST APPURTENANCE ABOVE GROUND = 418.30'± 1'

## US-TN-5026 TOWER "3" COMPOUND DETAIL



FAA 1-A TOWER LOCATION INFORMATION FOR US-TN-5026 - TOWER 3:  
176.30'± 1' SELF-SUPPORT TOWER  
ON 4.5' TALL CONCRETE CAISSONS

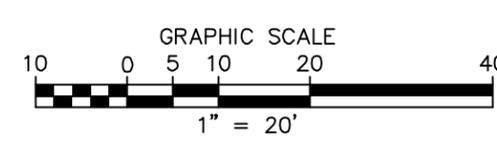
NAD 83  
LATITUDE = 35°11'39.54" N ± 20'  
LONGITUDE = 90°00'37.63" W ± 20'

GROUND ELEVATION AT BASE OF TOWER = 237.5' ± 3' NAVD88  
HEIGHT OF TOP OF TOWER ABOVE GROUND = 180.80'± 1'  
HEIGHT OF HIGHEST APPURTENANCE ABOVE GROUND = 418.30'± 1'

## LEGEND

- : IRON PIPE (FOUND)
- : MONUMENT (FOUND)
- ⊗ : FENCE POST (FOUND)
- ⊗ : RAILROAD SPIKE (FOUND)
- : IRON PIN (FOUND)
- : IRON PIN (SET)
- P.O.B. : POINT OF BEGINNING
- P.O.C. : POINT OF COMMENCEMENT
- P.O.T. : POINT OF TERMINUS
- R.O.W. : RIGHT-OF-WAY
- C.M.P. : CURROGATED METAL PIPE
- N/A : NOT AVAILABLE
- x— : FENCE AS NOTED
- P— : OVERHEAD POWER LINES
- C— : CENTERLINE
- △ : TELCOM PEDESTAL
- Ⓟ : POWER POLE
- Ⓜ : UTILITY BOX
- ⊕ : AREA LIGHT
- Ⓢ : SEWER MANHOLE
- ⓈD : SATELLITE DISH

(7) CORRESPONDS WITH B-II ITEMS OF TITLE COMMITMENT ON PAGE 3



FAA 1-A TOWER LOCATION INFORMATION FOR US-TN-5021 - TOWER 1:  
126.66'± 1' GUYED TOWER  
ON A 0.3' TALL CONCRETE CAISSON

NAD 83  
LATITUDE = 35°11'41.12" N ± 20'  
LONGITUDE = 90°00'33.08" W ± 20'

GROUND ELEVATION AT BASE OF TOWER = 246.27' ± 3' NAVD88  
HEIGHT OF TOP OF TOWER ABOVE GROUND = 126.96'± 1'  
HEIGHT OF HIGHEST APPURTENANCE ABOVE GROUND = 373.23'± 1'

US-TN-5263 - WATKINS & I-40  
2531 N. WATKINS ST. MEMPHIS, TN 38127  
SHELBY COUNTY, TN  
TOWER EASEMENT PREMISES DESCRIPTION  
(AS SURVEYED)

Situated in Shelby County, Tennessee and being more particularly described as follows:

COMMENCING at concrete monument found at the southeast corner of the Vertical Bridge Landco LLC property (Inst. No. 17005237), said monument also being located in the westerly right-of-way of North Watkins Street, thence, North 30 degrees 18 minutes 07 seconds West, 121.11 feet to an iron pin (set), this being the TRUE POINT OF BEGINNING;

Thence, North 85 degrees 57 minutes 50 seconds West, 100.00 feet to an iron pin (set);

Thence, North 04 degrees 02 minutes 10 seconds East, 100.00 feet to an iron pin (set);

Thence, South 85 degrees 57 minutes 50 seconds East, 100.00 feet to an iron pin (set);

Thence, South 04 degrees 02 minutes 10 seconds West, 100.00 feet to the POINT OF BEGINNING, containing 10,000.00 square feet or 0.23 acres.

OWNER: VERTICAL BRIDGE LANDCO LLC  
TAX ID: 070028 00015  
DEED REFERENCE: INST. NO. 17005237

US-TN-5263 - WATKINS & I-40  
2531 N. WATKINS ST. MEMPHIS, TN 38127  
SHELBY COUNTY, TN  
30' ACCESS & UTILITY EASEMENT DESCRIPTION  
(AS SURVEYED)

Situated in Shelby County, Tennessee and being more particularly described as follows:

Being a thirty foot wide access and utility easement, at all times being fifteen feet on each side of and running parallel with the following described centerline:

COMMENCING at concrete monument found at the southeast corner of the Vertical Bridge Landco LLC property (Inst. No. 17005237), said monument also being located in the westerly right-of-way of North Watkins Street, thence, North 20 degrees 30 minutes 23 seconds West, 164.90 feet to a point, this being the TRUE POINT OF BEGINNING;

Thence, South 87 degrees 09 minutes 37 seconds East, 39.85 feet to a point;

Thence, with a curve to the left, having an arc length of 54.98 feet, a radius of 35.00 feet, a chord bearing of North 47 degrees 50 minutes 23 seconds East, a chord length of 49.50 feet to a point;

Thence, North 02 degrees 50 minutes 23 seconds East, 557.31 feet to a point;

Thence, North 00 degrees 27 minutes 21 seconds East, 39.41 feet to a point;

Thence, North 01 degrees 30 minutes 06 seconds West, 157.89 feet to a point;

Thence, North 05 degrees 37 minutes 35 seconds East, 77.16 feet to a point;

Thence, North 14 degrees 31 minutes 26 seconds East, 44.29 feet to a point;

Thence, North 30 degrees 30 minutes 03 seconds East, 22.85 feet to a point;

Thence, North 53 degrees 55 minutes 57 seconds East, 17.27 feet to a point;

Thence, North 77 degrees 21 minutes 57 seconds East, 29.93 feet to the POINT OF TERMINUS in the westerly right-of-way of North Watkins Street, a public right-of-way that varies, containing 31,228.79 square feet or 0.72 acres.

OWNER: VERTICAL BRIDGE LANDCO LLC  
TAX ID: 070028 00015  
DEED REFERENCE: INST. NO. 17005237

US-TN-5263 - WATKINS & I-40  
2531 N. WATKINS ST. MEMPHIS, TN 38127  
SHELBY COUNTY, TN  
TOWER PARCEL DESCRIPTION  
(AS SURVEYED)

Being a tract of land situated in Shelby County, Tennessee and being more particularly described as follows:

COMMENCING at a railroad spike (found) at the northeast corner of the Square Mile Investments Inc. property (Inst. No. 11013370), thence South 05 deg. 37 min. 53 sec. West, 379.48 feet to an iron pin (found) at the northeast corner of the Clear Channel Radio Inc. property (Inst. No. GL3914), this being the TRUE POINT OF BEGINNING;

Thence, with a curve to the left, having an arc length of 32.27 feet, a radius of 1,686.10 feet, a chord bearing of South 03 deg. 50 min. 52 sec. West, a distance of 32.27 feet to an iron pin (set);

Thence, South 03 deg. 24 min. 21 sec. West, 166.81 feet to an iron pin (set);

Thence, South 07 deg. 25 min. 32 sec. West, 175.41 feet to an iron pin (set);

Thence, South 03 deg. 24 min. 21 sec. West, 633.95 feet to an iron pin (found);

Thence, with a curve to the right, having an arc length of 156.18 feet, a radius of 311.31 feet, a chord bearing of South 17 deg. 46 min. 41 sec. West, a distance of 154.55 feet to a highway monument (found);

Thence, North 85 deg. 57 min. 50 sec. West, 1048.84 feet to an iron pin (set);

Thence, North 03 deg. 17 min. 16 sec. East, 1161.06 feet to an iron pin (set);

Thence South 85 deg. 49 deg. 15 sec. East, 1102.18 feet to the POINT OF BEGINNING. Containing 1,263,763.17 square feet, or 29.01 acres. According to a survey by Jeffrey A. Leopard, Dated March 23, 2015.

OWNER: VERTICAL BRIDGE LANDCO LLC  
TAX ID: 070028 00015  
DEED REFERENCE: INST. NO. 17005237

TITLE INSURANCE COMMITMENT NOTE:

I HAVE REVIEWED COMMITMENT FOR TITLE INSURANCE, UNDERWRITTEN BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, WITH AN EFFECTIVE DATE OF DECEMBER 29, 2014 AT 7:00 A.M. COMMITMENT NUMBER 01-14096948-01T, AND FIND AS FOLLOWS WITH RESPECT TO THE EXCEPTIONS LISTED IN SCHEDULE B-SECTION 2 OF SAID COMMITMENT:

- (1) FACTS WHICH WOULD BE DISCLOSED BY A COMPREHENSIVE SURVEY OF THE PREMISES HEREIN DESCRIBED. (BLANKET IN NATURE, NOT PLOTTABLE)
- (2) RIGHTS OR CLAIMS OF PARTIES IN POSSESSION OR RIGHTS OF TENANTS IN POSSESSION AS TENANTS ONLY UNDER UNRECORDED LEASES. (BLANKET IN NATURE, NOT PLOTTABLE)
- (3) MECHANICS', CONTRACTORS' OR MATERIAL MEN'S LIENS AND LIEN CLAIMS, IF ANY, WHERE NO NOTICE THEREOF APPEARS OF RECORD. (BLANKET IN NATURE, NOT PLOTTABLE)
- (4) ANY CHANGES IN TITLE OCCURRING SUBSEQUENT TO THE EFFECTIVE DATE OF THIS COMMITMENT AND PRIOR TO THE DATE OF ISSUANCE OF THE TITLE POLICY. (BLANKET IN NATURE, NOT PLOTTABLE)
- (5) TAXES AND SPECIAL ASSESSMENTS FOR CURRENT TAX YEAR DUE AND ALL SUBSEQUENT YEARS. (BLANKET IN NATURE, NOT PLOTTABLE)
- (6) DELETING FROM ANY INSTRUMENT IN THE PUBLIC RECORDS REFLECTED HEREIN, ANY COVENANT, CONDITION OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS OR NATIONAL ORIGIN TO THE EXTENT SUCH MATTERS VIOLATE 42 USC 3604(c). (BLANKET IN NATURE, NOT PLOTTABLE)

(7) EASEMENT CONTRACT IN FAVOR OF THE CITY OF MEMPHIS ACTING THROUGH THE MEMPHIS LIGHT, GAS AND WATER DIVISION, RECORDED 08/01/1974, AS DOCUMENT NO. J78042 OF THE SHELBY COUNTY RECORDS.

(7) CORRESPONDS WITH B-II ITEMS LOCATED ON DRAWING

# RAW LAND SURVEY

## SURVEYOR'S NOTES

1. BASIS OF BEARING, DEED AS RECORDED IN INSTRUMENT NO. GL3914, R.O.S.C.T.N.
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4. THE ACCESS/UTILITY EASEMENT GOES TO N. WATKINS STREET, A PUBLIC RIGHT OF WAY.
5. UNLESS OTHERWISE NOTED, ALL VISIBLE TOWER EQUIPMENT AND IMPROVEMENTS ARE CONTAINED WITHIN THE DESCRIBED AREA.
6. ZONING: N/A
7. FLOOD NOTE: THE TOWER AREA BEING LOCATED IN PANEL NO. 47157C0260F DOES NOT LIE IN AN AREA DESIGNATED AS A SPECIAL FLOOD HAZARD (ZONE "X") BEARING AN EFFECTIVE DATE OF 9-28-07, AS PER FEMA.GOV WEBSITE.

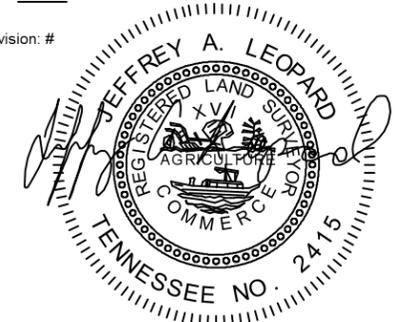
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B2L HOME AND PROPERTY SOLUTIONS, LLC.  
JEFFREY A. LEOPARD  
LAND SURVEYOR - TN #2415

Date: 4-5-21

Revision: #



**SITE NAME: WATKINS & I-40**  
**SITE NUMBER: US-TN-5263**  
**ADDRESS: 2531 N. WATKINS ST.**  
**MEMPHIS, TN 38127**  
**SHELBY COUNTY**

**SURVEY WORK PERFORMED BY:**

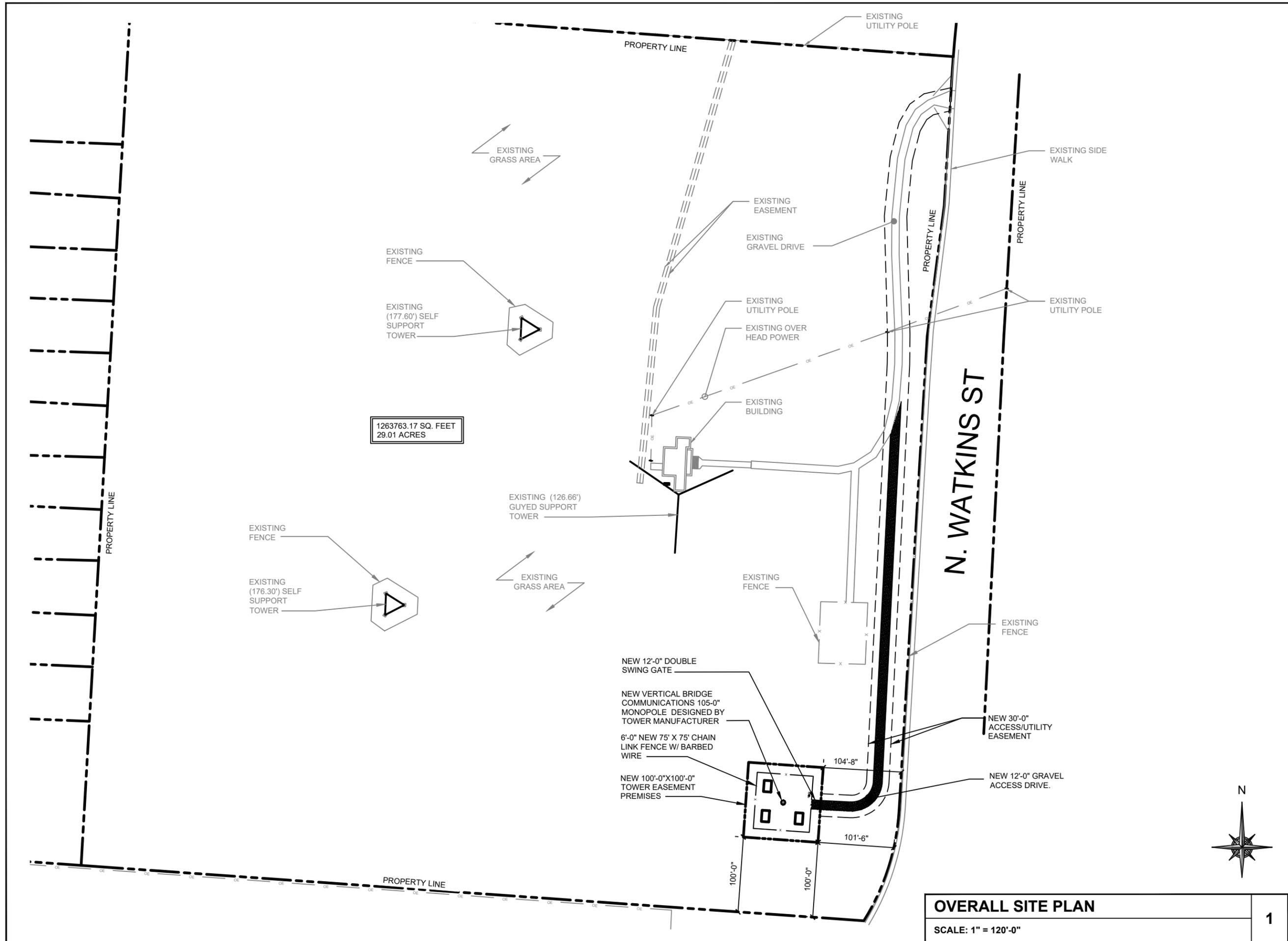


1198 OLD PINNACLE RD.  
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DRAWN BY: CB      CHECKED BY: JL      JOB #:LS-1255

**NATIONAL SURVEY SERVICES COORDINATION BY:**

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1263763.17 SQ. FEET  
29.01 ACRES

N. WATKINS ST



**OVERALL SITE PLAN**  
SCALE: 1" = 120'-0"  
**1**

**verticalbridge**

**WT Group**  
Engineering • Design • Consulting

**WT GROUP**  
Engineering with Precision, Pace and Passion  
6230 N. Bellline RD., STE. 325 | Irving, TX 75063  
T: 214.384.0744 | F: 214.293.6444  
www.wteengineering.com

US-TN-5263  
WATKINS & I-40  
2531 N. WATKINS ST.  
MEMPHIS, TN 38127

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JEFFERY S. GUTOWSKY  
PROFESSIONAL ENGINEER  
STATE OF TENNESSEE LICENSE  
# PE 116443  
EXPIRES: 04/30/23 SIGNED: 05/14/21

**REVISIONS**

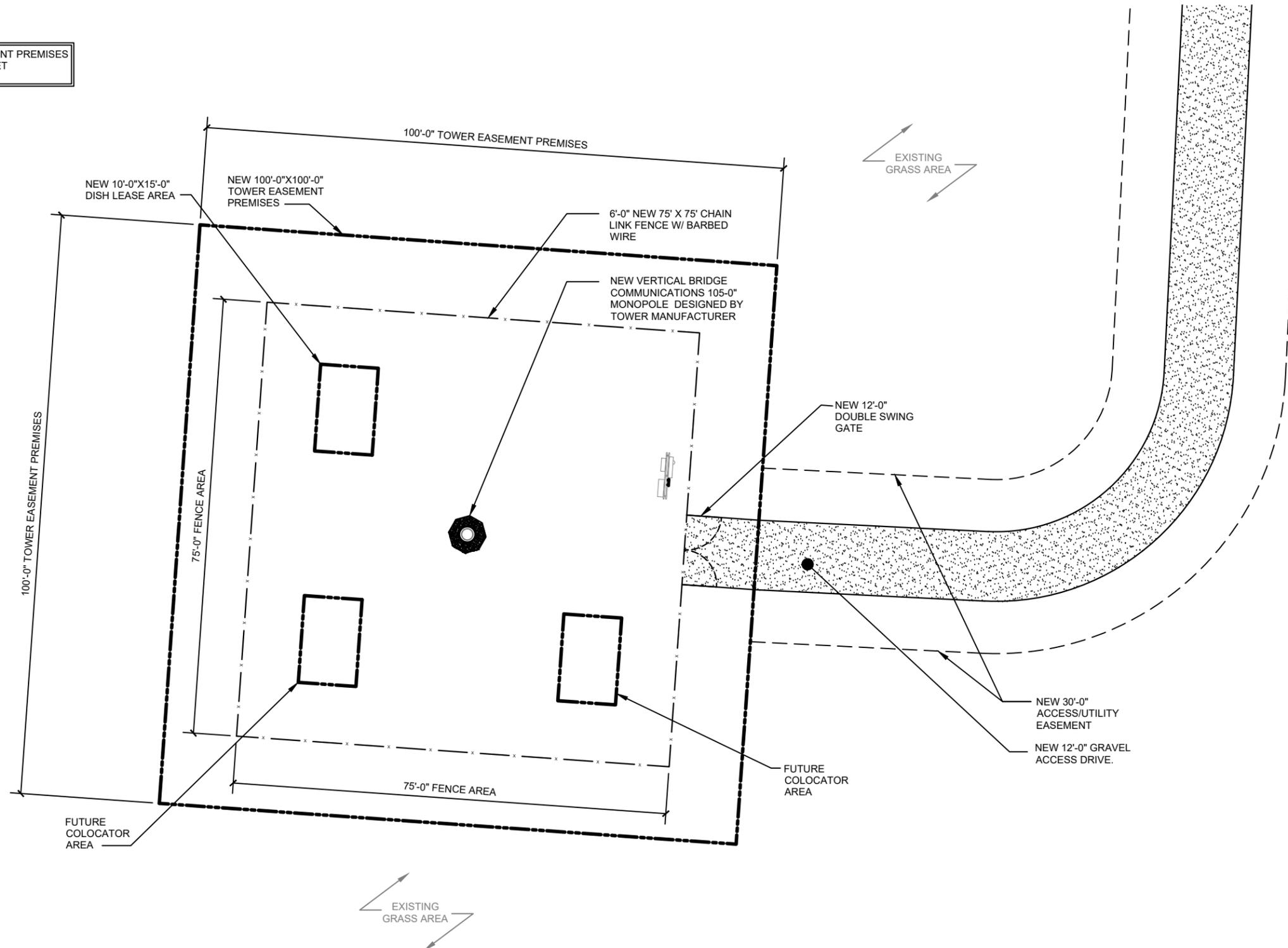
REV.	ISSUED FOR	DATE	BY
△	ZONING DRAWING	05/12/21	BA
△	FINAL ZONING DRAWING	05/14/21	BA

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CIVIL \ TELECOMMUNICATION \ MECHANICAL  
PLUMBING \ ELECTRICAL \ LAND SURVEYING  
ACCESSIBILITY CONSULTING \ STRUCTURAL

CHECK: AG  
DRAWN: BA  
JOB: 21007357

**Z-1**  
OVERALL SITE PLAN

TOWER EASEMENT PREMISES  
10000.00 SQ. FEET  
0.23 ACRES



**ENLARGED SITE PLAN**

SCALE: 1" = 20'-0"

1

verticalbridge

**WT GROUP**  
Engineering with Precision, Pace and Passion  
6230 N. Bellline Rd., STE. 325 | Irving, TX 75063  
T: 214.384.0744 | F: 214.293.6444  
www.wteengineering.com

**WT Group**  
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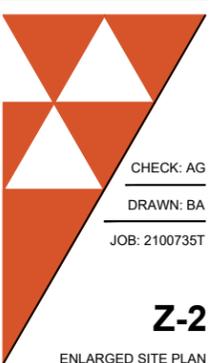
US-TN-5263  
WATKINS & I-40  
2531 N. WATKINS ST.  
MEMPHIS, TN 38127



JEFFERY S. GUTOWSKY  
PROFESSIONAL ENGINEER  
STATE OF TENNESSEE LICENSE  
# PE 116443  
EXPIRES: 04/30/23 SIGNED: 05/14/21

REV.	ISSUED FOR	DATE	BY
△	ZONING DRAWING	05/12/21	BA
△	FINAL ZONING DRAWING	05/14/21	BA

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CIVIL \ TELECOMMUNICATION \ MECHANICAL  
PLUMBING \ ELECTRICAL \ LAND SURVEYING  
ACCESSIBILITY CONSULTING \ STRUCTURAL

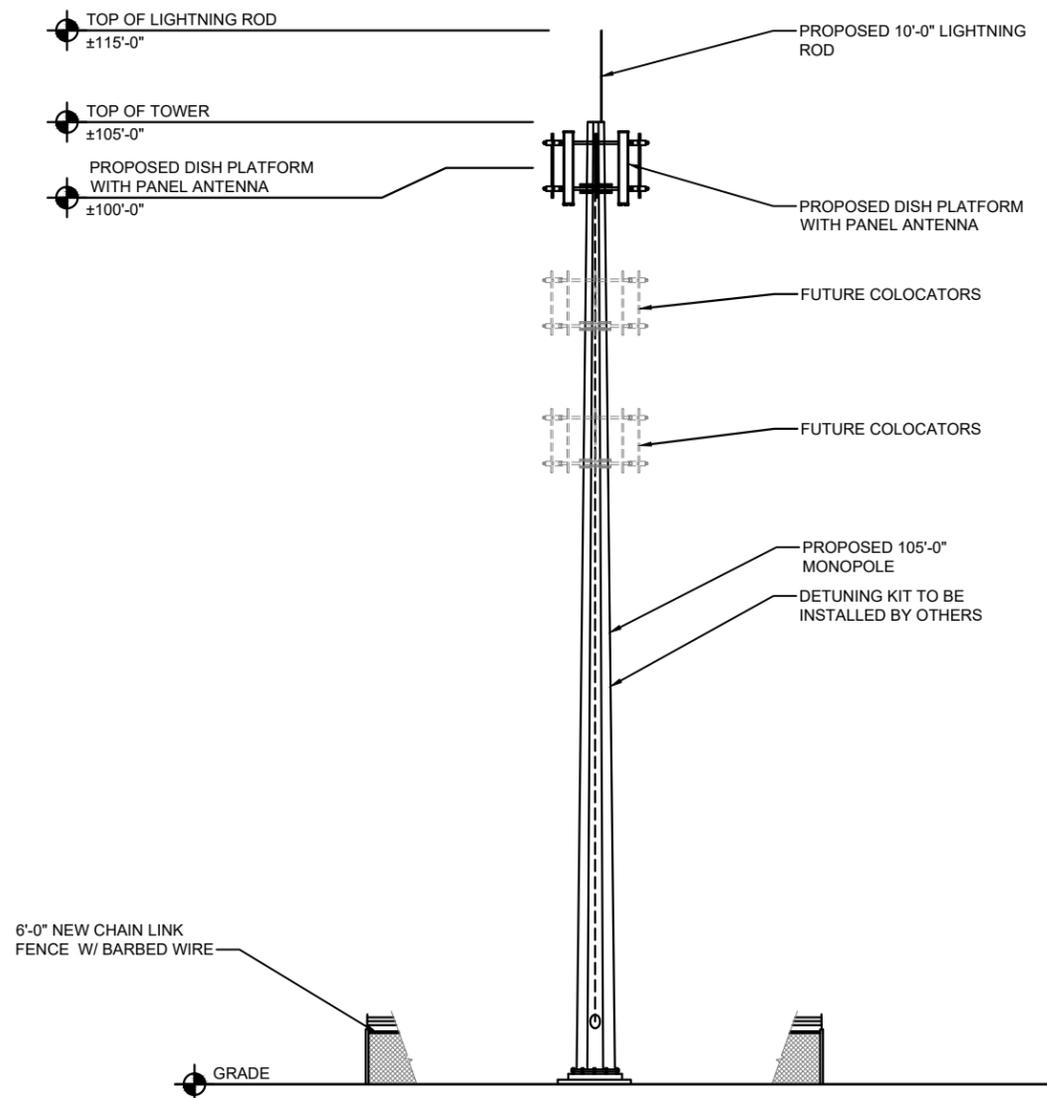


CHECK: AG  
DRAWN: BA  
JOB: 2100735T

**Z-2**

ENLARGED SITE PLAN

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NOTE:  
 W-T'S SCOPE OF WORK DOES NOT INCLUDE A STRUCTURAL EVALUATION OF THIS TOWER OR STRUCTURE. NEW ANTENNAS AND EQUIPMENT SHOWN ON THIS PLAN HAVE NOT BEEN EVALUATED TO VERIFY THE TOWER OR STRUCTURE HAS THE CAPACITY TO ADEQUATELY SUPPORT THESE ANTENNAS. PRIOR TO ANY ANTENNA OR EQUIPMENT INSTALLATION, A STRUCTURAL EVALUATION OF THE TOWER OR STRUCTURE, INCLUDING ALL ANTENNA MOUNTING SYSTEMS & HARDWARE SHALL BE PERFORMED.

NOTE:  
 PRIOR TO CONSTRUCTION CONTRACTOR TO VERIFY FAA REQUIREMENTS FOR LIGHTING TOWER

**TOWER ELEVATION**  
 SCALE: 1" = 40'-0"

**1**

**verticalbridge**

**WT Group**  
 Engineering • Design • Consulting

**WT GROUP**  
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 6230 N. Bellline RD., STE. 325 | Irving, TX 75063  
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US-TN-5263  
**WATKINS & I-40**  
 2531 N. WATKINS ST.  
 MEMPHIS, TN 38127

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JEFFERY S. GUTOWSKY  
 PROFESSIONAL ENGINEER  
 STATE OF TENNESSEE LICENSE  
 # PE 116443  
 EXPIRES: 04/30/23    SIGNED: 05/14/21

REVISIONS			
REV.	ISSUED FOR	DATE	BY
▲	ZONING DRAWING	05/12/21	BA
▲	FINAL ZONING DRAWING	05/14/21	BA

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 CIVIL \ TELECOMMUNICATION \ MECHANICAL  
 PLUMBING \ ELECTRICAL \ LAND SURVEYING  
 ACCESSIBILITY CONSULTING \ STRUCTURAL

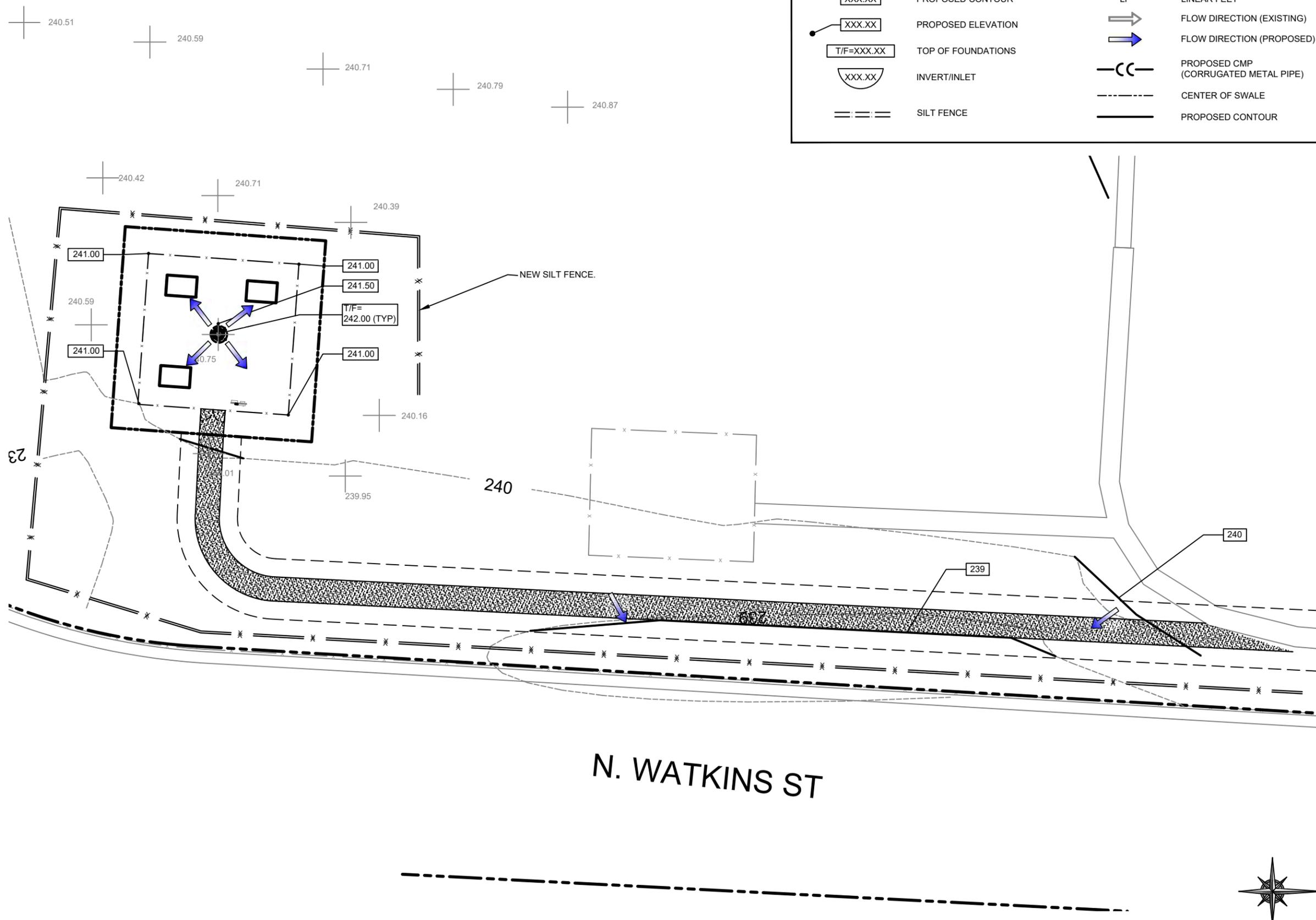
CHECK: AG  
 DRAWN: BA  
 JOB: 2100735T

**Z-3**

TOWER ELEVATION

**LEGEND**

	PROPOSED CONTOUR		LINEAR FEET
	PROPOSED ELEVATION		FLOW DIRECTION (EXISTING)
	TOP OF FOUNDATIONS		FLOW DIRECTION (PROPOSED)
	INVERT/INLET		PROPOSED CMP (CORRUGATED METAL PIPE)
	SILT FENCE		CENTER OF SWALE
			PROPOSED CONTOUR



N. WATKINS ST



<b>GRADING PLAN</b>	<b>1</b>
SCALE: 1" = 50'-0"	

US-TN-5263  
 WATKINS & I-40  
 2531 N. WATKINS ST.  
 MEMPHIS, TN 38127

JEFFERY S. GUTOWSKY  
 PROFESSIONAL ENGINEER  
 STATE OF TENNESSEE LICENSE  
 # PE 116443  
 EXPIRES: 04/30/23    SIGNED: 05/14/21

REV.	ISSUED FOR	DATE	BY
▲	ZONING DRAWING	05/12/21	BA
▲	FINAL ZONING DRAWING	05/14/21	BA

AQUATIC \ DESIGN & PROGRAM MANAGEMENT  
 CIVIL \ TELECOMMUNICATION \ MECHANICAL  
 PLUMBING \ ELECTRICAL \ LAND SURVEYING  
 ACCESSIBILITY CONSULTING \ STRUCTURAL

CHECK: AG
DRAWN: BA
JOB: 2100735T

Z-4

GRADING PLAN

**WT GROUP**  
 Engineering with Precision, Pace and Passion  
 6230 N. Bellline RD., STE. 325 | Irving, TX 75063  
 T: 214.384.0744 | F: 214.293.6444  
 www.wteengineering.com

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Vertical Bridge RBIT, LLC  
750 Park of Commerce Drive, Suite 200  
Boca Raton, FL 33487  
+1 (561) 948 - 6367  
VerticalBridge.com

June 28, 2021

Memphis and Shelby County  
Office of Planning and Development – City Hall  
125 North Main Street, Suite 477  
Memphis, TN 38103  
Phone (901) 636-6601

RE: Proposed New Cell Tower in Shelby County by Applicant VB BTS, LLC (“Vertical Bridge”)  
Address: 2531 N. Watkins Street, Memphis, TN 38127  
Parcel: 21170500000000 (ID # 070028-00015)  
Lat/Long Coordinates: 35.193642, -90.008667  
Tower Design/Height: 105’ Monopole Tower with 10’ Lightning Rod attachment

Dear Shelby County Planning Office:

The newly proposed cell tower with location described above is required in this location to address coverage and capacity for DISH Wireless. The public will greatly benefit if the zoning approval is granted for the new tower, which will provide better coverage, capacity, and E911 service in the area. The proposed tower is located within the DISH search ring, and, in evaluating the area, DISH determined that there were no existing towers or structures within DISH’s search parameters on which the DISH equipment could be located of which could serve as an alternative to the proposed new tower to provide optimal coverage.

Vertical Bridge’s communication facility will comply with all regulations administered by the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), and all applicable governmental bodies that regulate communications towers.

In addition, Vertical Bridge is submitting this letter as intent to committing for allowing the shared use of the tower if capacity exists based on existing and planned use, and if a future applicant agrees in writing. The shared use, or co-location of other future applicant equipment, where structurally, technically, physically, economically, and contractually feasible, including the cost of modifying the tower would be borne by the future co-locating applicant.

Please do not hesitate to reach out to me with any questions.

Sincerely,

Steve Hedges, Project Manager  
Vertical Bridge (VB BTS, LLC)  
750 Park of Commerce Drive, Suite 200  
Boca Raton, FL 33487  
773.988.1715 mobile  
[SHedges@verticalbridge.com](mailto:SHedges@verticalbridge.com)



*Tom Leatherwood*  
Shelby County Register / Archives

As evidenced by the instrument number shown below, this document  
has been recorded as a permanent record in the archives of the  
Office of the Shelby County Register.

17005237

01/17/2017 - 03:14 PM

6 PGS

<b>CHRISTINAM</b>	<b>1556279-17005237</b>
<b>VALUE</b>	<b>10.00</b>
<b>MORTGAGE TAX</b>	<b>0.00</b>
<b>TRANSFER TAX</b>	<b>0.00</b>
<b>RECORDING FEE</b>	<b>30.00</b>
<b>DP FEE</b>	<b>2.00</b>
<b>REGISTER'S FEE</b>	<b>0.00</b>
<b>WALK THRU FEE</b>	<b>0.00</b>
<b>TOTAL AMOUNT</b>	<b>32.00</b>

**TOM LEATHERWOOD**

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

This instrument prepared by:

Return Recorded Document to:

Vertical Bridge LANDCO, LLC  
750 Park of Commerce Drive, Suite 200  
Boca Raton, FL 33487  
Phone: (561) 923-0734

Vertical Bridge LANDCO, LLC  
750 Park of Commerce Drive, Suite 200  
Boca Raton, FL 33487  
Phone: (561) 923-0734  
Attn: General Counsel

16051775

Name and Address  
Of Property Owner:

Send Tax Bills To:

Map and Parcel  
Numbers

Vertical Bridge LANDCO, LLC,  
750 Park of Commerce Drive, Suite 200  
Boca Raton, FL 33487

Vertical Bridge LANDCO, LLC  
P.O. Box 812277  
Boca Raton, FL 33481-2277

21170500000000

EXEMPT per:  
TCA 67-4-409 3(E)

**SPECIAL WARRANTY DEED**

For and in Consideration of the sum of Ten and no/100 (\$10.00) Dollars cash in hand paid by the hereinafter named grantees, the receipt of which is hereby acknowledged, the undersigned \*Vertical Bridge CC AM, LLC, a Delaware limited liability company f/k/a iHeartMedia Tower Co. I (AM), LLC, having an address at 750 Park of Commerce Drive, Suite 200, Boca Raton, FL 33487 (hereinafter called the "**GRANTOR**"), have bargained and sold, and by these presents do transfer and convey unto \*Vertical Bridge LANDCO, LLC, a Delaware limited liability company, having an address at 750 Park of Commerce Drive, Suite 200, Boca Raton, FL 33487 liability company (hereinafter called the "**GRANTEE**"), its heirs and assigns, a certain tract or parcel of land in Shelby County, Tennessee, described in the attached Exhibit A:

This is: unimproved ( ) improved ( x ) property, known as

**\*NOTICE TO RECORDER:** This instrument conveys real property to a business entity that is wholly owned by the same parent entity as the Grantor, not in exchange for any ownership interests in such business entity nor for any monetary consideration. Accordingly, [no][nominal transfer tax in the amount of \$ \_\_\_\_\_] is due in connection with this conveyance.

2531 N. Watkins Street	Memphis	TN	38127
(House Number) (Street)	(City)	(State)	(Zip)

To Have and to Hold the said tract or parcel of land, with the appurtenances, estate, title and interest thereto belonging to the said GRANTEE, their heirs and assigns, forever. GRANTOR does covenant with said GRANTEE that GRANTOR is are lawfully seized and possessed of said land in fee simple, has a good right to convey it, and the same is unencumbered, subject to: (i) any matters of record as of the date hereof, (ii) any easements, rights of public utility companies, rights of way, covenants, conditions, licenses, restrictions, reservations of mineral rights (with surface rights being waived) or similar non-monetary encumbrances that do not (a) impair the use or operation of the Property as a communications tower facility, including the rental to subtenants or (b) constitute an option, right of first refusal or other right to acquire the property, (iii) rights of tenants in possession of the Property pursuant to tenant leases, (iv) agreements with governmental authorities related to the construction, use, or operation of the Property, (v) zoning laws and other laws related to the use and operation of communications towers, and (vi) taxes, special assessments, government charges or levies not yet due and payable (the "Permitted Exceptions").

GRANTOR does further covenant and bind itself, its successors and assigns, to warrant and forever defend the title to the said land to the GRANTEE, its heirs and assigns, against the lawful claims of all persons of all persons claiming by, through, or under GRANTOR, but no further or otherwise, subject to the Permitted Exceptions. Wherever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

*[Remainder of page intentionally left blank; signature pages of the parties hereto follow immediately hereafter.]*

Witness our hands as of the 19<sup>th</sup> day of October, 2016.

**GRANTOR:**

**VERTICAL BRIDGE CC AM, LLC**, a Delaware limited liability company

By: \_\_\_\_\_  
Name: Daniel Marinberg  
Title: Vice President

STATE OF FLORIDA                    )  
  ) SS.  
COUNTY OF PALM BEACH        )

THIS INSTRUMENT was acknowledged before me on October 19, 2016, by Daniel Marinberg, the Vice President of Vertical Bridge CC AM, LLC, a Delaware limited liability company, on behalf of said company.

WITNESS my hand and official seal.

*Kathrynn Campbell*

Notary's Signature

Printed Name: \_\_\_\_\_

My commission expires \_\_\_\_\_

(SEAL)



OATH OF CONSIDERATION  
(MUST BE ON ALL DEEDS EXECUTED BY GRANTEE)

STATE OF FLORIDA            )  
  ) SS.  
COUNTY OF PALM BEACH    )

THE UNDERSIGNED HEREBY SWEARS OR AFFIRMS THAT THE ACTUAL  
CONSIDERATION FOR THIS TRANSFER IS \$10.00.

**GRANTEE/AFFIANT:**

**Vertical Bridge LANDCO, LLC**  
a Delaware limited liability company

By: \_\_\_\_\_  
Name: Daniel Marinberg  
Title: Vice President

STATE OF FLORIDA            )  
  ) SS.  
COUNTY OF PALM BEACH    )

THIS INSTRUMENT was acknowledged before me on October 19,  
2016, by Daniel Marinberg, the Vice President of Vertical Bridge LANDCO, LLC, a  
Delaware limited liability company, on behalf of said company.

WITNESS my hand and official seal.

Kampbell  
Notary's Signature

Printed Name:  
My commission expires  
(SEAL)



**EXHIBIT A**

**LEGAL DESCRIPTION**

Being part of the Cowles Broadcasting Service, Inc., a Tennessee Corporation, property as recorded in deed book 5578 - page 139, less and except that portion deeded to the City of Memphis in deed book 5578 - page 137, and that portion as deeded to the State of Tennessee instrument J8 9194 all in the Shelby County Register's Office, and being described as follows:

Beginning at the intersection of the present west line of North Watkins (formerly Hindman Ferry Road) and the north line of Hindman Avenue (formerly Payne Avenue); thence along the north line of Payne Avenue, North 85 degrees 54 minutes 50 seconds West, 1048.84 feet to a point; thence North 03 degrees 27 minutes 12 seconds East, 1160.34 feet to a point; thence South 85 degrees 46 minutes 15 seconds East, 1102.18 feet to a point in the west line of North Watkins; thence in a southward direction along the west line of North Watkins, with a curve, having a radius of 1686.10 - feet, a distance of 32.27 feet as measured along its arc to a point of tangency in the west line of North Watkins; thence continuing along the west line of North Watkins, South 03 degrees 27 minutes 21 seconds West, 166.81 feet to an angle point in the west line of North Watkins, thence continuing along said angle line, South 07 degrees 28 minutes 32 seconds West, 175.41 feet to an angle point in the west line of North Watkins, thence continuing along the west line of North Watkins South 03 degrees 27 minutes 21 seconds West, 633.95 feet to a point of curvature in the west line of North Watkins; thence with a curve to the right, having a radius of 311.31 feet, a distance of 156.18 feet as measured along its arc to the point of beginning.

MAP AND PARCEL NUMBER: 2117050000000

Being the same property conveyed to Clear Channel Radio, Inc., grantee, from REP Southeast G.P., grantor, by deed recorded 03/19/1997 as instrument number GL3914 of the County Records.

Certificate of Authenticity

I, Kim Cauthers, do hereby make oath that I am a licensed Attorney and/or the custodian of the electronic version of the attached document tendered for registration herewith and that this is a true and correct copy of the original document executed and authenticated according to law.



State of Ohio

County of Summit

I, TINA M. KELLY a notary public for the County of Summit in the State of Ohio, acknowledges that this certification of an electronic document is true and correct and whose signature I have witnessed.



Notary's Signature

Commission Expires: 9-15-18



**TINA M. KELLY, Notary Public**  
Residence - Portage County  
State Wide Jurisdiction, Ohio  
My Commission Expires Sept. 15, 2018

070028 00002 - GIDEN ESTATES LLC  
070028 00001 - BRAXTON GEORGE  
070028 00003 - PARRISH CARLOS A  
070028 00004 - GONZALEZ JUAN C & FLOR D GARCIA  
070028 00005 - CUMMINS CONNIE  
070028 00006 - JONES MONICA L  
070028 00007 - STRAIGHT AND NARROW PATH MINISTRIES  
070028 00008 - JAMES ROBERT  
070028 00010 - DOUGLAS DELOISE  
070028 00012 - MASOUD RAFAT  
070028 00013 - MASOUD RAFAT  
070030 00039 - WEST MARIA E  
070030 00038 - FRAYSER COMMUNITY DEVELOPMENT CORP  
070028 00014 - WATKINS MANOR APARTMENTS LLC  
070029 00002 - PENDLETON LATONYA & ALONZO  
070029 00003 - RODRIGUEZ MARIA ANTONIA BARRETTO  
070029 00039 - HINKSON HULON R & DONNA M  
070088 00016 - DIAMOND JUBILEE PROPERTIES INC  
070088 00015 - DIAMOND JUBILEE PROPERTIES INC  
070028 00031 - BOX SANTOS AND ALICIA TINO (RS)  
070029 00037 - CRIAG GARY L  
070029 00007 - JONES CLARENCE E (ESTATE OF)  
070029 00035 - RUSSELL JAMES C & SANDRA J  
070029 00008 - SMITH HAZEL  
070028 00027 - COLLIER MARY A AND WAYLAND L YOUNG AND

070029 00036 - RUSSELL JAMES C & SANDRA J  
070029 00034 - RUSSELL JAMES C & SANDRA J  
070089 00005 - SCHULTZ HANS A  
070028 00026 - CONFIDENCE HOLDINGS LLC  
070029 00033 - RUSSELL JAMES C & SANDRA J  
070029 00010 - FILSINGER ROLAND  
070028 00025 - COCHRAN TED D  
070029 00032 - CHANDLER STEVE R  
070029 00011 - LE VINH  
070029 00031 - ELBAHY AHMED A AND NEHAD M KASSEM  
070029 00012 - THOMAS TOM  
070028 00023 - F & S PROPERTY INVESTMENTS LLC  
070029 00030 - MAPLES LINDA G AND JULIUS E MAPLES (RS)  
070089 00008 - STRONG FAMILY TRUST (THE) AND WINIFRED  
070029 00013 - MICHEL RAYMOND  
070028 00022 - SWINFORD WILLIAM A  
070029 00028 - BERRETO MARIA A  
070029 00014 - SHELBY COUNTY TAX SALE 0703 EXH #12517  
070028 00021 - MICHEL RAYMOND  
070089 00009 - STRONG FAMILY TRUST (THE) AND WINIFRED  
070029 00015 - HARRELL JERRY L  
070028 00020 - SHELBY COUNTY TAX SALE 0803 EXH # 328498  
070029 00046 - ALLEN HENRY  
072045 00079 - MARKWELL KENNETH JR  
070029 00016 - WALKER ODIES

070028 00019 - MITCHELL BURNIE JR  
070029 00026 - ALLEN HENRY L & ANNIE M  
070089 00010 - TEKLEMARIAM GEBEYEHU & MARTA BETEW  
072045 00080 - MARKWELL KENNETH JR  
070029 00025 - WILLIAMS KAREN A  
070029 00041 - MITCHELL BURNTTE JR  
070029 00021 - ANDRES MINDEL  
070029 00042 - WHEELER JEFF AND JOHN BRIGGS  
070028 00016 - SHELBY COUNTY TAX SALE 16.03  
070029 00019 - MORENO JOSE DE JESUS AGUILAR  
070028 00009 - SET 1 ENTERPRISES LLC  
070028 00035 - PALACIOS FRANCISCO AND NATIVIDAD G  
070028 00011 - MASOUD RAFAT  
070028 00034 - HARRIS LADRONE  
070028 00033 - H M E SC LLC  
070029 00001 - EMERSON THOMAS  
070088 00017 - IBRAHIM KALID & YASMIN ABUBAKER  
070028 00032 - MIRANDA DANIEL & MARIA D C TERRAZAS  
070088 00014 - DIAMOND JUBILEE PROPERTIES INC  
070029 00004 - HORTON ANTHONY AND CORLISS HORTON  
070088 00010 - SHELBY COUNTY TAX SALE 15.03  
070029 00005 - GFM INVESTMENTS LLC  
070029 00006 - SEIFERT FAMILY TRUST DATED FEB 14  
070029 00038 - ANDERSON CAMILLE L  
070089 00002 - GOLDEN JUBILEE PROPERTIES INC

070028 00024 - COCHRAN TEDDY D  
070089 00006C - SRIVY  
070029 00029 - MAPLES LINDA G AND LUIS M MIRANDA  
070029 00044 - ALLEN HENRY  
070028 00018 - HENDERSON LARRY & DEBORAH  
070028 00017 - HENSERSON LARRY & DEBORAH  
070029 00043 - BRIGGS JON K  
070029 00017C - POWELL ANTONIO  
070087 00020C - MASOUD RAFAT  
070028 00028C - HARTMAN DAVID R & LYNSI T  
070089 00003C - HARRISON EILEEN C  
070088 00018 - BROOKRIDGE LLC  
070088 00019C - BROOKRIDGE LLC  
070088 00021 - PEARSON RONNIE  
070028 00015 - VERTICAL BRIDGE LANDCO LLC  
070029 00009 - RICHARDSON ANTHONY R SR AND MERCEY  
070088 00011C - F & H INVESTMENTS

SET 1 ENTERPRISES LLC  
1643 VENABLES ST #  
VANCOUVER BC

SHELBY COUNTY TAX SALE 15.03  
PO BOX 2751 #  
MEMPHIS TN 38101

HENSERSON LARRY & DEBORAH  
1818 RUSSELL BOND RD #  
MILLINGTON TN 38053

PALACIOS FRANCISCO AND NATIVIDAD G  
2664 STEELE ST #  
MEMPHIS TN 38127

GFM INVESTMENTS LLC  
2130 PENDLETON ST #  
MEMPHIS TN 38114

BRIGGS JON K  
1751 N PARKWAY #  
MEMPHIS TN 38112

MASOUD RAFAT  
4830 MAGGIE OAKS CV #  
MEMPHIS TN 38135

SEIFERT FAMILY TRUST DATED FEB 14  
246 1ST AVE S #  
PERHAM MN 56573

POWELL ANTONIO  
44 FAIN ST #  
NASHVILLE TN 37210

HARRIS LADRONE  
11157 MEMPHIS ARLINGTON RD #  
ARLINGTON TN 38002

ANDERSON CAMILLE L  
356 JEANNE DR #  
MEMPHIS TN 38109

MASOUD RAFAT  
4830 MAGGIE OAKS CV #  
BARTLETT TN 38135

H M E SC LLC  
1252 3RD AVE S #  
MYRTLE BEACH SC 29577

GOLDEN JUBILEE PROPERTIES INC  
2675 GETWELL RD #  
MEMPHIS TN 38118

HARTMAN DAVID R & LYNSI T  
2596 HENDERSON ST #  
MEMPHIS TN 38127

EMERSON THOMAS  
2616 STEELE ST #  
MEMPHIS TN 38127

COCHRAN TEDDY D  
5605 S CR 33 #  
DYESS AR 72330

HARRISON EILEEN C  
2430 COUNTRYWOOD PKWY #  
CORDOVA TN 38016

IBRAHIM KALID & YASMIN ABUBAKER  
2626 N WATKINS ST #  
MEMPHIS TN 38127

SRIVY  
10520 LARSON BAY LN #  
COLLIERVILLE TN 38017

BROOKRIDGE LLC  
1120 HUFFMAN RD #672  
ANCHORAGE AK 99515

MIRANDA DANIEL & MARIA D C TERRAZAS  
2618 HENDERSON ST #  
MEMPHIS TN 38127

MAPLES LINDA G AND LUIS M MIRANDA  
2544 STEELE ST #  
MEMPHIS TN 38127

BROOKRIDGE LLC  
1120 HUFFMAN RD #672  
ANCHORAGE AK 99515

DIAMOND JUBILEE PROPERTIES INC  
PO BOX 687 #  
COLLIERVILLE TN 38027

ALLEN HENRY  
2520 STEELE #  
MEMPHIS TN 38127

PEARSON RONNIE  
854 CROCKETT PL #9  
MEMPHIS TN 38107

HORTON ANTHONY AND CORLISS HORTON  
2611 HENDERSON ST #  
MEMPHIS TN 38127

HENDERSON LARRY & DEBORAH  
1818 RUSSELL BOND RD #  
MILLINGTON TN 38053

VERTICAL BRIDGE LANDCO LLC  
2800 POST OAK BLVD #3700  
HOUSTON TX 77056

F & S PROPERTY INVESTMENTS LLC  
PO BOX 1050 #  
COLDWATER MS 38618

GIDEN ESTATES LLC  
1557 ONTARIO AVE #  
MEMPHIS TN 38127

MITCHELL BURNIE JR  
466 FERNHILL CV #  
MEMPHIS TN 38127

MAPLES LINDA G AND JULIUS E MAPLES (RS)  
2548 STEELE ST #  
MEMPHIS TN 38127

BERRETO MARIA A  
2538 STEELE ST #  
MEMPHIS TN 38127

ALLEN HENRY L & ANNIE M  
2520 STEELE ST #  
MEMPHIS TN 38127

STRONG FAMILY TRUST (THE) AND WINIFRED  
PO BOX 1450 #  
SOUTHAVEN MS 38671

SHELBY COUNTY TAX SALE 0703 EXH#12517  
PO BOX 2751 #  
MEMPHIS TN 38101

TEKLEMARIAM GEBEYEHU & MARTA BETEW  
2510 N WATKINS ST #  
MEMPHIS TN 38127

MICHEL RAYMOND  
8707 FOUNTAIN VIEW CV #  
CORDOVA TN 38016

MICHEL RAYMOND  
8707 FOUNTAIN VIEW CV #  
CORDOVA TN 38016

MARKWELL KENNETH JR  
3800 NEW GETWELL RD #  
MEMPHIS TN 38118

SWINFORD WILLIAM A  
2546 HENDERSON ST #  
MEMPHIS TN 38127

STRONG FAMILY TRUST (THE) AND WINIFRED  
PO BOX 1450 #  
SOUTHAVEN MS 38671

WILLIAMS KAREN A  
P.O.BOX 27643 #  
MEMPHIS TN 38167

MASOUD RAFAT  
1671 ONTARIO AVE #  
MEMPHIS TN 38127

HARRELL JERRY L  
4850 GOLDEN PKWY #B213  
BUFORD GA 30518

MITCHELL BURNTTE JR  
2511 HENDERSON ST #  
MEMPHIS TN 38127

MASOUD RAFAT  
4830 MAGGIE OAKS CV #  
BARTLETT TN 38135

SHELBY COUNTY TAX SALE 0803 EXH # 328498  
PO BOX 2751 #  
MEMPHIS TN 38101

ANDRES MINDEL  
294 E CAROL WAY #  
SAN BERNARDINO CA 92408

DOUGLAS DELOISE  
1641 ONTARIO AVE #  
MEMPHIS TN 38127

ALLEN HENRY  
2520 STEELE #  
MEMPHIS TN 38127

WHEELER JEFF AND JOHN BRIGGS  
1751 N PARKWAY #  
MEMPHIS TN 38112

CUMMINS CONNIE  
123 W BROADWAY ST #  
WEST MEMPHIS AR 72301

MARKWELL KENNETH JR  
3800 NEW GETWELL RD #  
MEMPHIS TN 38118

SHELBY COUNTY TAX SALE 16.03  
PO BOX 2751 #  
MEMPHIS TN 38101

BRAXTON GEORGE  
1549 ONTARIO AVE #  
MEMPHIS TN 38127

WALKER ODIES  
1443 TUNICA #  
MEMPHIS TN 38108

MORENO JOSE DE JESUS AGUILAR  
1528 HINDMAN AVE #  
MEMPHIS TN 38127

RICHARDSON ANTHONY R SR AND MERCEY  
3643 CHANTREY W #5  
MEMPHIS TN 38128

F & H INVESTMENTS  
1716 DUPONT AVE #45  
MEMPHIS TN 38127

# BOUNDARY SURVEY

## LEGEND

- :IRON PIPE (FOUND)
- :MONUMENT (FOUND)
- ⊗ :FENCE POST (FOUND)
- ⊗ :RAILROAD SPIKE (FOUND)
- ⊙ :IRON PIN (FOUND)
- :IRON PIN (SET)
- P.O.B. :POINT OF BEGINNING
- P.O.C. :POINT OF COMMENCEMENT
- P.O.T. :POINT OF TERMINUS
- R.O.W. :RIGHT-OF-WAY
- C.M.P. :CURROGATED METAL PIPE
- N/A :NOT AVAILABLE
- :FENCE AS NOTED
- P — :OVERHEAD POWER LINES
- C — :CENTERLINE
- △ :TELCOM PEDESTAL
- ⊙ :POWER POLE
- ⊙ :UTILITY BOX
- ⊕ :AREA LIGHT
- ⊙ :SEWER MANHOLE
- ⊙ :SATELLITE DISH

## TOWER PARCEL DATA

LINE	BEARING	DISTANCE
L1	S 03°24'21" W	166.81'
L2	S 07°25'32" W	175.41'
L3	S 03°24'21" W	633.95'
L4	N 85°57'50" W	1048.84'
L5	N 03°17'16" E	1161.06'
L6	S 85°49'15" E	1102.18'

## TOWER PARCEL CURVE DATA

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	32.27'	1686.10'	1°05'48"	S 03°50'52" W	32.27'
C2	156.18'	311.31'	28°44'40"	S 17°46'41" W	154.55'

(7) CORRESPONDS WITH B-II ITEMS OF TITLE COMMITMENT ON PAGE 3

## SURVEYOR'S NOTES

1. BASIS OF BEARING, DEED AS RECORDED IN INSTRUMENT NO. GL3914, R.O.S.C.T.N.
2. NO SUBSURFACE INVESTIGATION WAS PERFORMED TO LOCATE UNDERGROUND UTILITIES. UTILITIES SHOWN HEREON ARE LIMITED TO AND ARE PER OBSERVED EVIDENCE ONLY.
3. THIS SURVEY REPRESENTS A BOUNDARY SURVEY OF THE PARENT PARCEL.
4. UNLESS OTHERWISE NOTED, ALL VISIBLE TOWER EQUIPMENT AND IMPROVEMENTS ARE CONTAINED WITHIN THE DESCRIBED AREA.
5. ZONING: N/A
6. FLOOD NOTE: THE TOWER AREA BEING LOCATED IN PANEL NO. 47157C0260F DOES NOT LIE IN AN AREA DESIGNATED AS A SPECIAL FLOOD HAZARD (ZONE "X") BEARING AN EFFECTIVE DATE OF 9-28-07, AS PER FEMA.GOV WEBSITE.

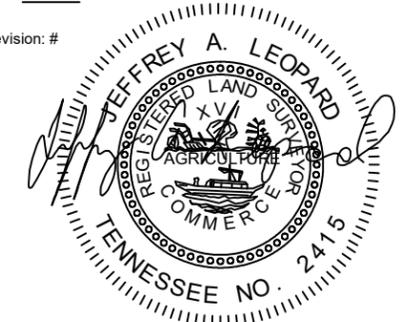
## SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY TO: Vertical Bridge REIT, LLC, a Delaware limited liability company, its subsidiaries, and their respective successors and/or assigns; The Bank of New York Mellon, as Collateral Agent, and its successors and/or assigns, and Old Republic National Title Ins. Co

B2L HOME AND PROPERTY SOLUTIONS, LLC.  
JEFFREY A. LEOPARD  
LAND SURVEYOR - TN # 2415

Date: 3-30-15

Revision: #



**verticalbridge**

FOR: VERTICAL BRIDGE TOWERS, LLC

SITE NAME: MEM-013  
SITE NUMBER: US-TN-5021 US-TN-5025  
US-TN-5026  
ADDRESS: 2531 N. WATKINS ST.  
MEMPHIS, TN 38127  
SHELBY COUNTY

SURVEY WORK PERFORMED BY:

**B2L** Home & Property Solutions, LLC.

1198 Old Pinnacle Rd. Joellon, TN 37080  
Office: (615) 746-7490 Fax: (615) 751-5316  
www.b2lhps.com "Providing Solutions with You in Mind!"

DRAWN BY: CB CHECKED BY: JL JOB #:LS-0485

NATIONAL SURVEY SERVICES COORDINATION BY:

**GEOLINE SURVEYING, INC.** 13430 NW 104th Terrace, Suite A  
Alachua, FL 32615  
Office: (386) 418-0500  
Fax: (386) 462-9986  
WWW.GEOLINEINC.COM

SHEET 1 OF 3

OWNER: DAVID R & LYNSI T HARTMAN  
TAX ID: 070028 00028C  
DEED REFERENCE: INST. NO. 13057468

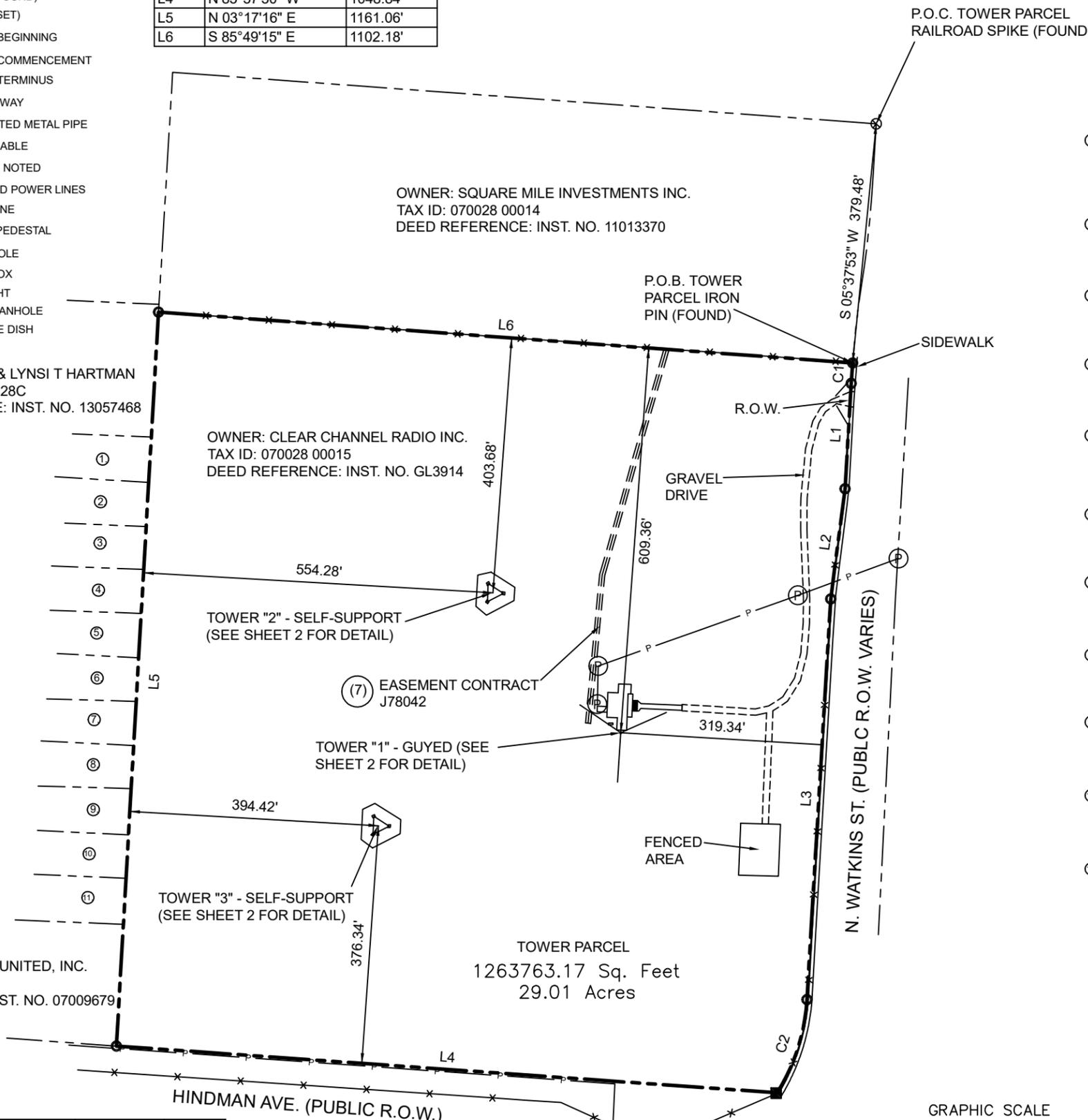
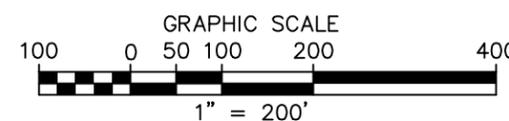
OWNER: CLEAR CHANNEL RADIO INC.  
TAX ID: 070028 00015  
DEED REFERENCE: INST. NO. GL3914

OWNER: SQUARE MILE INVESTMENTS INC.  
TAX ID: 070028 00014  
DEED REFERENCE: INST. NO. 11013370

OWNER: RESTORERS UNITED, INC.  
TAX ID: 070028 00016  
DEED REFERENCE: INST. NO. 07009679

TOWER PARCEL  
1263763.17 Sq. Feet  
29.01 Acres

AREA TABLE	SQUARE FEET	ACREAGE
(A) PARENT PARCEL	1,263,763.17 +/-	29.01 +/-
(B) TOWER COMPOUND 2	2,937.28 +/-	0.07 +/-
(C) TOWER COMPOUND 3	3,077.34 +/-	0.07 +/-



## PROPERTY ADJOINER INFORMATION

1. OWNER: IRVIN L & MARY A COLLIER  
TAX ID: 070028 00027  
DEED REFERENCE: INST. NO. BC4787
2. OWNER: END-IRA INC.  
TAX ID: 070028 00026  
DEED REFERENCE: INST. NO. 11072607
3. OWNER: TED D COCHRAN  
TAX ID: 070028 00025  
DEED REFERENCE: INST. NO. DP7589
4. OWNER: TEDDY D COCHRAN  
TAX ID: 070028 00024  
DEED REFERENCE: INST. NO. BE8153
5. OWNER: F AND S PROPERTY INVESTMENTS LLC.  
TAX ID: 070028 00023  
DEED REFERENCE: INST. NO. 10064176
6. OWNER: LISA & JERRY TENNYSON  
TAX ID: 070028 00022  
DEED REFERENCE: INST. NO. 09098448
7. OWNER: MICHAEL RAYMOND  
TAX ID: 070028 00021  
DEED REFERENCE: INST. NO. 10056836
8. OWNER: SHELBY COUNTY TAX SALE  
TAX ID: 070028 00020  
DEED REFERENCE: INST. NO. 9486-1
9. OWNER: BURNIE MITCHELL JR  
TAX ID: 070028 00019  
DEED REFERENCE: INST. NO. GF8721
10. OWNER: LARRY & DEBORAH HENDERSON  
TAX ID: 070028 00018  
DEED REFERENCE: INST. NO. 10000135
11. OWNER: LARRY & DEBORAH HENDERSON  
TAX ID: 070028 00017  
DEED REFERENCE: INST. NO. 10000135

# BOUNDARY SURVEY

## SURVEYOR'S NOTES

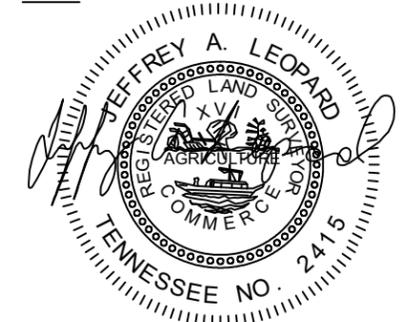
1. BASIS OF BEARING, DEED AS RECORDED IN INSTRUMENT NO. GL3914, R.O.S.C.T.N.
2. NO SUBSURFACE INVESTIGATION WAS PERFORMED TO LOCATE UNDERGROUND UTILITIES. UTILITIES SHOWN HEREON ARE LIMITED TO AND ARE PER OBSERVED EVIDENCE ONLY.
3. THIS SURVEY REPRESENTS A BOUNDARY SURVEY OF THE PARENT PARCEL.
4. UNLESS OTHERWISE NOTED, ALL VISIBLE TOWER EQUIPMENT AND IMPROVEMENTS ARE CONTAINED WITHIN THE DESCRIBED AREA.
5. ZONING: N/A
6. FLOOD NOTE: THE TOWER AREA BEING LOCATED IN PANEL NO. 47157C0260F DOES NOT LIE IN AN AREA DESIGNATED AS A SPECIAL FLOOD HAZARD (ZONE "X") BEARING AN EFFECTIVE DATE OF 9-28-07, AS PER FEMA.GOV WEBSITE.

## SURVEYOR'S CERTIFICATION

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B2L HOME AND PROPERTY SOLUTIONS, LLC.  
JEFFREY A. LEOPARD  
LAND SURVEYOR - TN # 2415

Date: 3-30-15



**verticalbridge**

FOR: VERTICAL BRIDGE TOWERS, LLC

**SITE NAME: MEM-013**  
**SITE NUMBER: US-TN-5021 US-TN-5025**  
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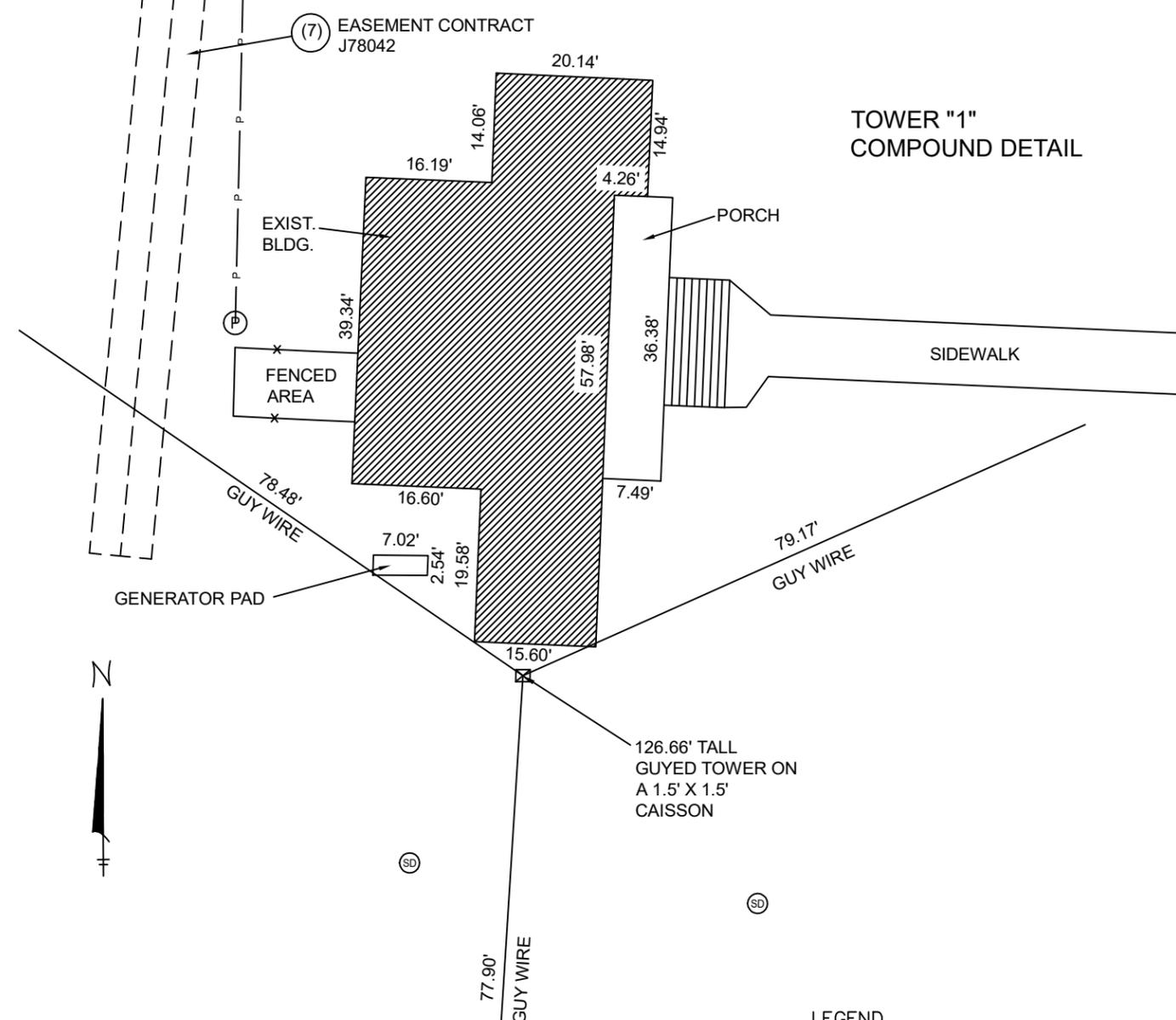
DRAWN BY: CB CHECKED BY: JL JOB #:LS-0485

NATIONAL SURVEY SERVICES COORDINATION BY:

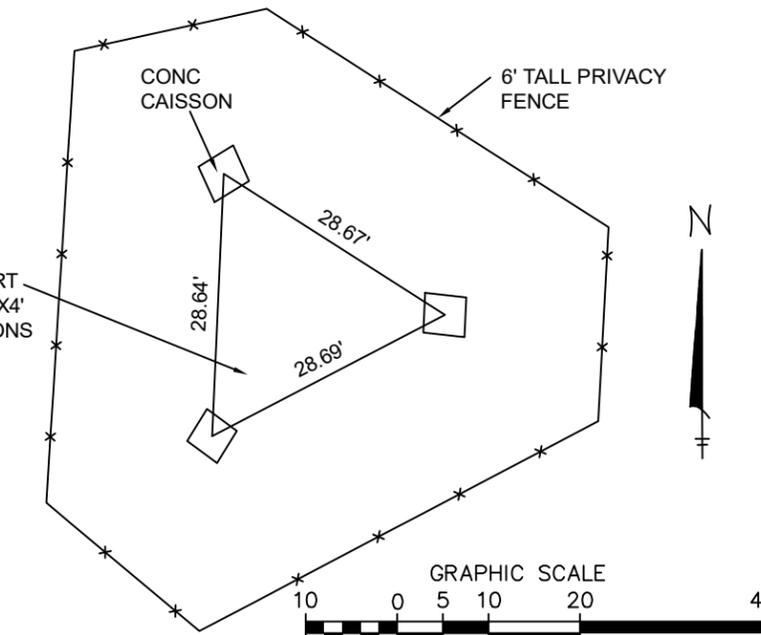
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Office: (386) 418-0500  
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WWW.GEOLINEINC.COM

SHEET 2 OF 3

## TOWER "1" COMPOUND DETAIL



177.60' TALL SELF-SUPPORT TOWER ON 4'X4' CONC CAISSONS

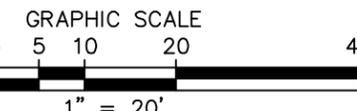


## TOWER "2" COMPOUND DETAIL

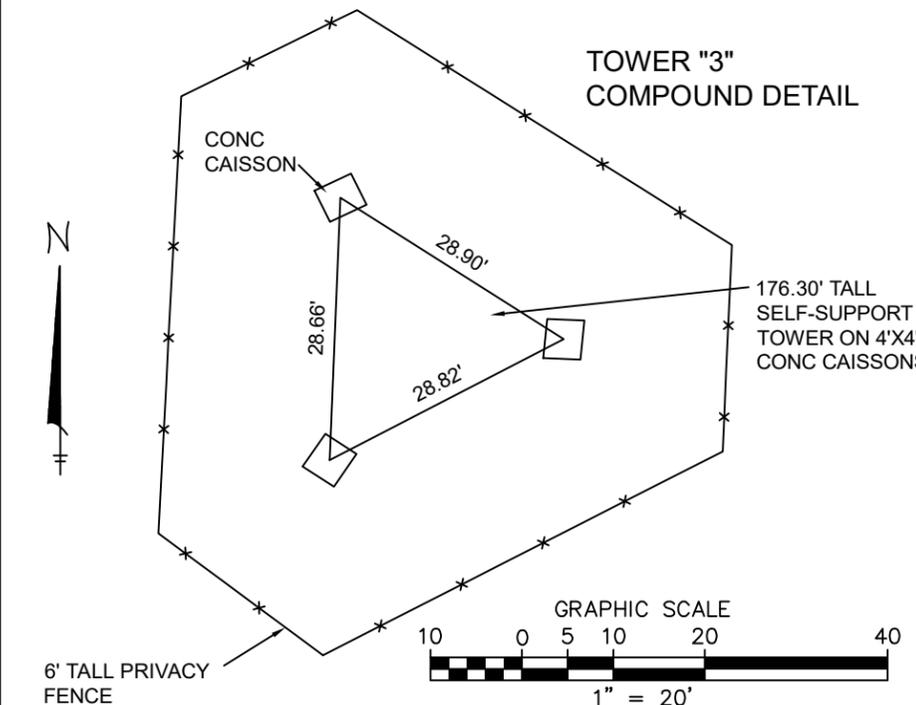
FAA 1-A TOWER LOCATION INFORMATION FOR TOWER 2:  
177.60± 1' SELF-SUPPORT TOWER ON A 4.5' TALL CONCRETE CAISSON

NAD 83  
LATITUDE = 35°11'43.23" N ± 20"  
LONGITUDE = 90°00'35.62" W ± 20"

GROUND ELEVATION AT BASE OF TOWER = 236.20' ± 3' NAVD88  
HEIGHT OF TOP OF TOWER ABOVE GROUND = 182.10' ± 1'  
HEIGHT OF HIGHEST APPURTENANCE ABOVE GROUND = 418.30' ± 1'



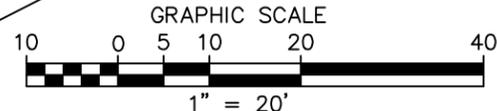
## TOWER "3" COMPOUND DETAIL



FAA 1-A TOWER LOCATION INFORMATION FOR TOWER 3:  
176.30± 1' SELF-SUPPORT TOWER ON 4.5' TALL CONCRETE CAISSONS

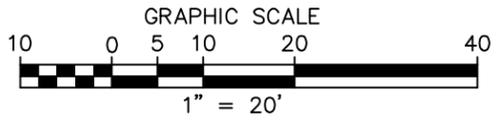
NAD 83  
LATITUDE = 35°11'39.54" N ± 20"  
LONGITUDE = 90°00'37.63" W ± 20"

GROUND ELEVATION AT BASE OF TOWER = 237.5' ± 3' NAVD88  
HEIGHT OF TOP OF TOWER ABOVE GROUND = 180.80' ± 1'  
HEIGHT OF HIGHEST APPURTENANCE ABOVE GROUND = 418.30' ± 1'



- ### LEGEND
- : IRON PIPE (FOUND)
  - : MONUMENT (FOUND)
  - ⊙ : FENCE POST (FOUND)
  - ⊗ : RAILROAD SPIKE (FOUND)
  - : IRON PIN (FOUND)
  - : IRON PIN (SET)
  - P.O.B. : POINT OF BEGINNING
  - P.O.C. : POINT OF COMMENCEMENT
  - P.O.T. : POINT OF TERMINUS
  - R.O.W. : RIGHT-OF-WAY
  - C.M.P. : CURROGATED METAL PIPE
  - N/A : NOT AVAILABLE
  - x— : FENCE AS NOTED
  - P— : OVERHEAD POWER LINES
  - C— : CENTERLINE
  - △ : TELCOM PEDESTAL
  - Ⓟ : POWER POLE
  - Ⓜ : UTILITY BOX
  - ⊕ : AREA LIGHT
  - Ⓢ : SEWER MANHOLE
  - ⓈD : SATELLITE DISH

(7) CORRESPONDS WITH B-II ITEMS OF TITLE COMMITMENT ON PAGE 3



FAA 1-A TOWER LOCATION INFORMATION FOR TOWER 1:  
126.66± 1' GUYED TOWER ON A 0.3' TALL CONCRETE CAISSON

NAD 83  
LATITUDE = 35°11'41.12" N ± 20"  
LONGITUDE = 90°00'33.08" W ± 20"

GROUND ELEVATION AT BASE OF TOWER = 246.27' ± 3' NAVD88  
HEIGHT OF TOP OF TOWER ABOVE GROUND = 126.96± 1'  
HEIGHT OF HIGHEST APPURTENANCE ABOVE GROUND = 373.23± 1'

# BOUNDARY SURVEY

**US-TN-5021, 5025, & 5026 – MEM-013**  
**2531 N. WATKINS ST. MEMPHIS, TN 38127**  
**SHELBY COUNTY, TN**  
**LAND DESCRIPTION**  
**(AS SURVEYED)**

Being a tract of land situated in Shelby County, Tennessee and being more particularly described as follows:

**COMMENCING** at a railroad spike (found) at the northeast corner of the Square Mile Investments Inc. property (Inst. No. 11013370), thence South 05 deg. 37 min. 53 sec. West, 379.48 feet to an iron pin (found) at the northeast corner of the Clear Channel Radio Inc. property (Inst. No. GL3914), this being the **TRUE POINT OF BEGINNING**;

Thence, with a curve to the left, having an arc length of 32.27 feet, a radius of 1,686.10 feet, a chord bearing of South 03 deg. 50 min. 52 sec. West, a distance of 32.27 feet to an iron pin (set);

Thence, South 03 deg. 24 min. 21 sec. West, 166.81 feet to an iron pin (set);

Thence, South 07 deg. 25 min. 32 sec. West, 175.41 feet to an iron pin (set);

Thence, South 03 deg. 24 min. 21 sec. West, 633.95 feet to an iron pin (found);

Thence, with a curve to the right, having an arc length of 156.18 feet, a radius of 311.31 feet, a chord bearing of South 17 deg. 46 min. 41 sec. West, a distance of 154.55 feet to a highway monument (found);

Thence, North 85 deg. 57 min. 50 sec. West, 1048.84 feet to an iron pin (set);

Thence, North 03 deg. 17 min. 16 sec. East, 1161.06 feet to an iron pin (set);

Thence South 85 deg. 49 deg. 15 sec. East, 1102.18 feet to the **POINT OF BEGINNING**. Containing 1,263,763.17 square feet, or 29.01 acres. According to a survey by Jeffrey A. Leopard, Dated March 23, 2015.

OWNER: CLEAR CHANNEL RADIO INC.  
 TAX ID: 070028 00015  
 DEED REFERENCE: INST. NO. GL3914

## TITLE INSURANCE COMMITMENT NOTE:

I HAVE REVIEWED COMMITMENT FOR TITLE INSURANCE, UNDERWRITTEN BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, WITH AN EFFECTIVE DATE OF DECEMBER 29, 2014 AT 7:00 A.M. COMMITMENT NUMBER 01-14096948-01T, AND FIND AS FOLLOWS WITH RESPECT TO THE EXCEPTIONS LISTED IN SCHEDULE B-SECTION 2 OF SAID COMMITMENT:

- (1) FACTS WHICH WOULD BE DISCLOSED BY A COMPREHENSIVE SURVEY OF THE PREMISES HEREIN DESCRIBED. (BLANKET IN NATURE, NOT PLOTTABLE)
- (2) RIGHTS OR CLAIMS OF PARTIES IN POSSESSION OR RIGHTS OF TENANTS IN POSSESSION AS TENANTS ONLY UNDER UNRECORDED LEASES. (BLANKET IN NATURE, NOT PLOTTABLE)
- (3) MECHANICS', CONTRACTORS' OR MATERIAL MEN'S LIENS AND LIEN CLAIMS, IF ANY, WHERE NO NOTICE THEREOF APPEARS OF RECORD. (BLANKET IN NATURE, NOT PLOTTABLE)
- (4) ANY CHANGES IN TITLE OCCURRING SUBSEQUENT TO THE EFFECTIVE DATE OF THIS COMMITMENT AND PRIOR TO THE DATE OF ISSUANCE OF THE TITLE POLICY. (BLANKET IN NATURE, NOT PLOTTABLE)
- (5) TAXES AND SPECIAL ASSESSMENTS FOR CURRENT TAX YEAR DUE AND ALL SUBSEQUENT YEARS. (BLANKET IN NATURE, NOT PLOTTABLE)
- (6) DELETING FROM ANY INSTRUMENT IN THE PUBLIC RECORDS REFLECTED HEREIN, ANY COVENANT, CONDITION OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS OR NATIONAL ORIGIN TO THE EXTENT SUCH MATTERS VIOLATE 42 USC 3604(c). (BLANKET IN NATURE, NOT PLOTTABLE)
- (7) EASEMENT CONTRACT IN FAVOR OF THE CITY OF MEMPHIS ACTING THROUGH THE MEMPHIS LIGHT, GAS AND WATER DIVISION, RECORDED 08/01/1974, AS DOCUMENT NO. J78042 OF THE SHELBY COUNTY RECORDS.

(7) CORRESPONDS WITH B-II ITEMS LOCATED ON DRAWING

## SURVEYOR'S NOTES

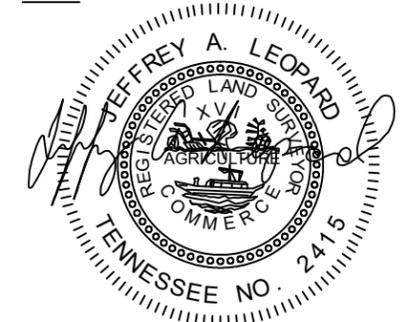
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3. THIS SURVEY REPRESENTS A BOUNDARY SURVEY OF THE PARENT PARCEL.
4. UNLESS OTHERWISE NOTED, ALL VISIBLE TOWER EQUIPMENT AND IMPROVEMENTS ARE CONTAINED WITHIN THE DESCRIBED AREA.
5. ZONING: N/A
6. FLOOD NOTE: THE TOWER AREA BEING LOCATED IN PANEL NO. 47157C0260F DOES NOT LIE IN AN AREA DESIGNATED AS A SPECIAL FLOOD HAZARD (ZONE "X") BEARING AN EFFECTIVE DATE OF 9-28-07, AS PER FEMA.GOV WEBSITE.

## SURVEYOR'S CERTIFICATION

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B2L HOME AND PROPERTY SOLUTIONS, LLC.  
 JEFFREY A. LEOPARD  
 LAND SURVEYOR - TN # 2415

Date: 3-30-15



**verticalbridge**

FOR: VERTICAL BRIDGE TOWERS, LLC

**SITE NAME: MEM-013**  
**SITE NUMBER: US-TN-5021 US-TN-5025**  
**US-TN-5026**  
**ADDRESS: 2531 N. WATKINS ST.**  
**MEMPHIS, TN 38127**  
**SHELBY COUNTY**

**SURVEY WORK PERFORMED BY:**

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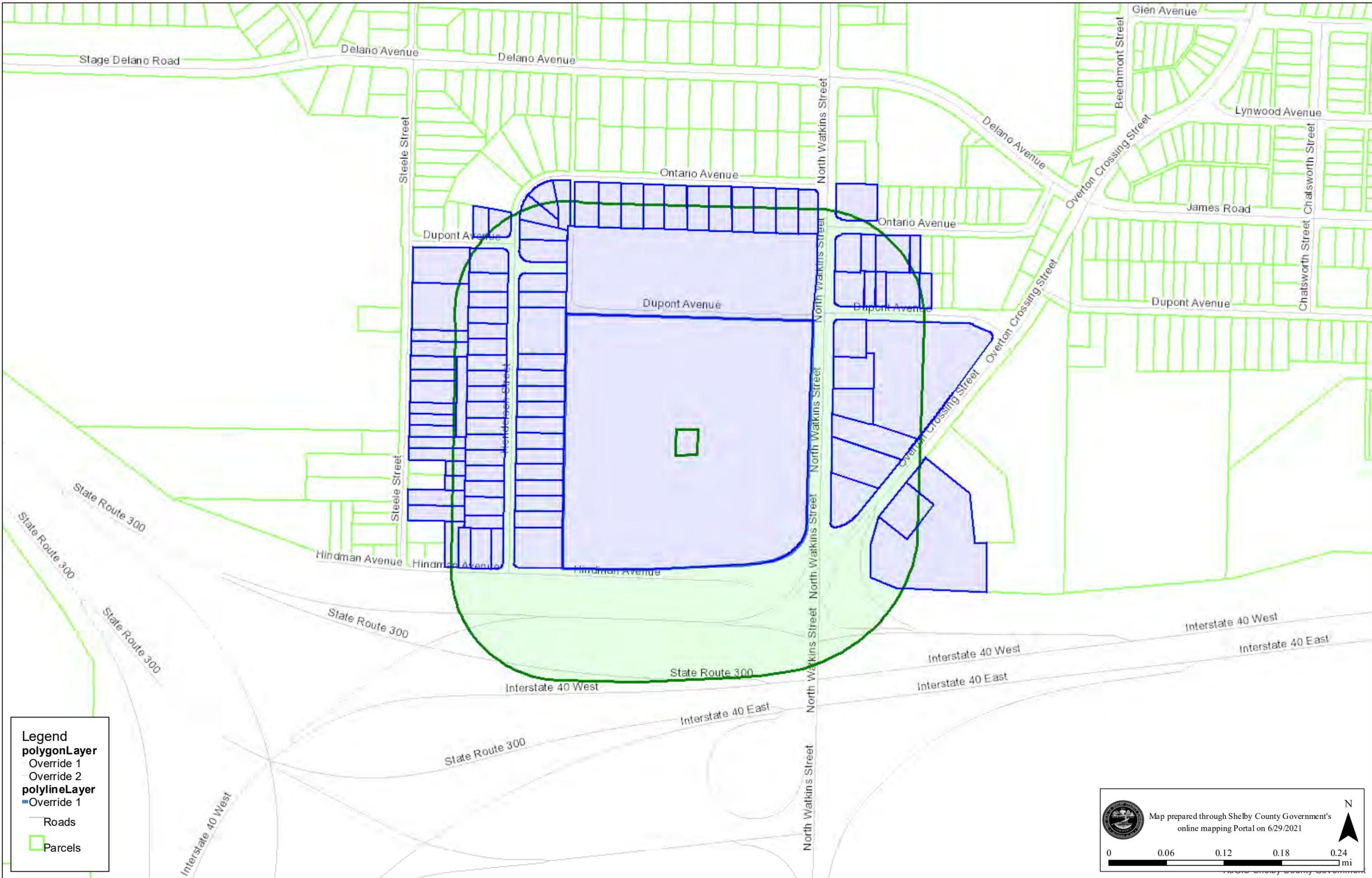
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DRAWN BY: CB CHECKED BY: JL JOB #:LS-0485

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 WWW.GEOLINEINC.COM

SHEET 3 OF 3



**Legend**

- polygonLayer**
  - Override 1
  - Override 2
- polylineLayer**
  - Override 1
- Roads
- Parcels

Map prepared through Shelby County Government's online mapping Portal on 6/29/2021

0 0.06 0.12 0.18 0.24 mi

Shelby County Government

**From:** [Tess Momberger](#)  
**To:** [Shelton, Teresa](#)  
**Subject:** Fwd: Watkins Cell Tower proposal  
**Date:** Thursday, September 2, 2021 9:13:43 PM

---

**CAUTION:** This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

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**From:** Tess Momberger <etmomberger42@gmail.com>  
**Date:** September 2, 2021 at 8:57:16 PM CDT  
**To:** Clark.Shupe.Diggs@memphistn.gov  
**Subject: Watkins Cell Tower proposal**

Hello,

I would like there to be a requirement for Collective to include landscaping for beautification and esthetics. As well, I would like a wall to be included for there to be a mural welcoming residents and visitors into Frayser.

My name is Tess Blaugrund, I am a resident at 2596 Henderson Street. I share a property line with the cell tower farm on Watkins. I would love for my children, neighbors, friends and family entering Frayser via Watkins to be welcomed warmly, rather than just fencing and razor wire that typically accompanies cell towers and their ground equipment. I want my neighborhood to be beautiful and welcoming. I know Frayser has a lot of work to do in this department, but I want to be a part of working in this direction.

I was on a zoom call with the Collective company last week where we asked them to include these beautification measures in their planning.

Please include this request in the Land Use Control Board Meeting on September 9th.

Please feel free to contact me with any further questions.

- Tess

**From:** [Brian Blaugrund](#)  
**To:** [Shelton, Teresa](#)  
**Cc:** [Shupe-Diggs, Clarke](#)  
**Subject:** Land Use Control: Watkins & 240 Tower  
**Date:** Thursday, September 2, 2021 10:24:43 PM

---

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Greetings! Thanks for keeping our neighborhoods organized, and for considering resident comments in your decisions. I've lived in Frayser for 7 years now and have enjoyed its positive growth.

Regarding the proposed monopole in the southeast corner of the field near Watkins & I240, here are a few relevant things to know:

- Cell phone coverage could experientially use improvement in this area (T-Mobile, Verizon)
- Watkins corridor is perceived as a major aesthetic/functional gateway into our community
- Multi-car wreck in SE corner of the field recently took out fence (now only partly restored)

Thus, would you be willing to require the following for tower approval?

1. At least one committed cell phone carrier on the tower in addition to current TV (DISH)
2. Durable mural-capable wall (ie, concrete) instead of a prison-looking chain link w/barbed wire

My backyard is adjacent to the western border of this field. My address is 2596 Henderson St; 38127. I can be reached directly via reply to this email, or by phone on my cell at (602)206-2626. I'm on a volunteer advisory board to a Frayser CDC sub-committee, but otherwise have no conflicts-of-interest. Thanks again for listening!

Brian Blaugrund

**From:** [Steve Lockwood](#)  
**To:** [Shelton, Teresa](#)  
**Cc:** "[Brian Blaugrund \(bsquaredmd@gmail.com\)](#)"; [Charia Jackson](#)  
**Subject:** Frayser application  
**Date:** Friday, September 3, 2021 1:06:40 PM  
**Attachments:** [image001.png](#)

---

**CAUTION:** This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

---

Ms. Shelton--

On behalf of the Frayser Community Development Corporation, I would like to make comments regarding 2 pending applications. I do realize these comments are 5 hours past the published deadline. I hope, nevertheless, they can be considered.

SAC 21-07 -- Application to rezone to CMU-3 and close off a portion of Hindman Ave.

We are skeptical about this application; fearful that CMU-3 is a broad designation that may allow inappropriate uses in the area. We are not currently aware of what the applicant plans to do on that parcel. We think that, at the very least, the application should be delayed for further review.

SUP 21-017 -- Application to build another tower in the SE corner of the tower filed on Watkins Street.

I met, via Zoom, with the applicants as well as with several adjacent neighbors. I believe the consensus was that this application could go forward, but that there should be stipulations to enhance landscaping to improve the project's appearance. The applicants expressed agreement with this request.

We appreciate your consideration. Please feel free to reach out to me if you would like to discuss these applications. If you are able to send your staff recommendations to me, that would be useful. We expect to have a representative present at the September 9th hearings.

Sincerely,

*Steve Lockwood*, Director of Special Projects

Phone:901-354-9405

Cell:901-2291162

3684 N. Watkins

Memphis, TN 38127





**MEMPHIS AND  
SHELBY COUNTY** **DIVISION OF PLANNING  
AND DEVELOPMENT**

City Hall – 125 N. Main Street, Suite 468 – Memphis, Tennessee 38103 – (901) 636-6619

September 13, 2021

Steve Hedges, Project Manager  
Vertical Bridge (VB BTS, LLC)  
750 Park of Commerce Dr., Ste. 200  
Boca Raton, FL 338487

*Sent via electronic mail to:* [shedges@verticalbridge.com](mailto:shedges@verticalbridge.com); [kristi@collectivesolutions.com](mailto:kristi@collectivesolutions.com)

Case Number: SUP 21-17  
LUCB Recommendation: Approval with conditions

Dear applicant,

On Thursday, September 9, 2021, the Memphis and Shelby County Land Use Control Board recommended **approval** of your special use permit application to allow a 105-foot Monopole Communications (CMCS) Tower to located at 2531 Watkins Street, and is subject to the following conditions:

1. The compound shall be screened by evergreen landscaping and shall be subject to final review and approval by the Division of Planning and Development. All landscaping and screening shall be installed prior to launch and operation of the tower equipment. Required landscaping shall not be placed on or over any sewer or drainage easements or under any utility easement.
2. The equipment compound shall be enclosed by a 6-foot wooden privacy around the lease area to conceal the ground equipment. The compound gates will be chain link with concealment slats.
3. The maximum tower height shall be one-hundred five (105) feet Monopole Communications (CMCS) tower.
4. The tower and related equipment shall be removed within one-hundred eighty (180) days of ceasing operations.
5. The tower shall be constructed within two (2) years of approval by the Memphis City Council. The Land Use Control Board may grant a time extension through the applicant filing a correspondence item application with public notice sent to all property owners within five hundred feet (500') feet of the property.
6. The tower compound shall be completely enclosed with a six-foot (6') wooden fence around the perimeters of these features; however, a 12-foot-wide chain-linked double swing gate shall be allowed to provide access to the CMCS Tower.

**Letter to Applicant**  
**SUP 21-17**

7. Any interference with Memphis-Shelby County emergency communications by a station using this tower shall be the responsibility of the station and tower owner to remedy.

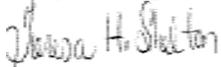
This application will be forwarded, for final action, to the Council of the City of Memphis. The Council will review your application in a committee meeting prior to voting on it in a public hearing. The applicant or the applicant's representative(s) shall be in attendance at all meetings and hearings.

It is the applicant's responsibility to contact the City Council Records Office to determine when the application is scheduled to be heard at committee and in public session. The City Council Records Office may be reached at (901) 636-6792.

If for some reason you choose to withdraw your application, a letter should be mailed to the Land Use and Development Services Department of the Division of Planning and Development at the address provided above or emailed to the address provided below.

If you have questions regarding this matter, please feel free to contact me at (901) 636-6619 or via email at [teresa.shelton@memphistn.gov](mailto:teresa.shelton@memphistn.gov).

Respectfully,



Teresa H. Shelton  
Municipal Planner  
Land Use and Development Services  
Division of Planning and Development

Cc: Kristi Eskew, Project Manager  
File

**AGENDA ITEM: 5**

**CASE NUMBER:** SUP 21-17 **L.U.C.B. MEETING:** September 9, 2021

**LOCATION:** 2531 N. Watkins St.

**COUNCIL DISTRICT:** District 7 and Super District 8 – Positions 1, 2, and 3

**OWNER/APPLICANT:** Vertical Bridge Landco, LLC/Kristi Eskew, VB BTS, LLC c/o Collective Solutions, LLC

**REPRESENTATIVE:** Kristi Eskew, VB BTS, LLC c/o Collective Solutions, LLC

**REQUEST:** 105-foot Monopole Communications (CMCS) Tower

**AREA:** +/-29.166 acres

**EXISTING ZONING:** Residential – 6 (R-6)

## CONCLUSIONS

1. The request is for a 105-foot Monopole Communications (CMCS) Tower in the Residential – 6 (R-6) zoning district.
2. Staff agrees the approval criteria in regard to special use permits as set out in the Unified Development Code Section 9.6.9 are met.
3. Staff agrees the requirements for special use permits for cell towers as set out in the Unified Development Code Paragraph 2.6.2I(1) are met.
4. This project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.

## CONSISTENCY WITH MEMPHIS 3.0

The Memphis 3.0 General Plan does not provide recommendations related to cell towers.

## RECOMMENDATION

*Approval with conditions*

**GENERAL INFORMATION**

**Street Frontage:** N. Watkins St. +/-986.5 curvilinear feet

**Zoning Atlas Page:** 1830

**Parcel ID:** 070028 00015

**Existing Zoning:** Residential – 6 (R-6)

**NEIGHBORHOOD MEETING**

The meeting was held at 11:00 AM on Thursday, August 26, 2021, via Zoom at the following link:  
<https://zoom.us/j/92953983088?pwd=ZDgwTGxwMTFhK2M5U2ptczRvTGpMQT09>

Meeting ID: 929 5398 3088

Passcode: 7TaD5S

The following individuals were present for the Zoom Neighborhood Meeting on Thursday, August 26, 2021:

1. Myself and Russell Been from Collective Solutions.
2. Steve Hedges, representing the Property Owner
3. Luis Monroy – who was representing 4 unnamed property owners.
4. Brian Blaugrund
5. Steve Lockwood

**PUBLIC NOTICE**

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and sign posted. A total of 62 notices were mailed on July 28, 2021, and a total of 3 signs posted at the subject property. The sign affidavit has been added to this report.

AFFIDAVIT

Shelby County  
State of Tennessee

I, Kristi Eskew, being duly sworn, depose and say that at 11:25 am on the 24th day of August, 2021, I posted 3 Public Notice Sign(s) pertaining to Case No. SUP 21-017 at 2531 N. Watkins Road, Memphis, TN, providing notice of a Public Hearing before the 9/9/2021 Land Use Control Board, Memphis City Council, Shelby County Board of Commissioners for consideration of a proposed Land Use Action (Planned Development, 21-017 Special Use Permit, Zoning District Map Amendment, Street and/or Alley Closure), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

Kristi M. Eskew, Collective Solutions 8/24/2021  
Owner, Applicant or Representative Agent to Vertical Bridge Date

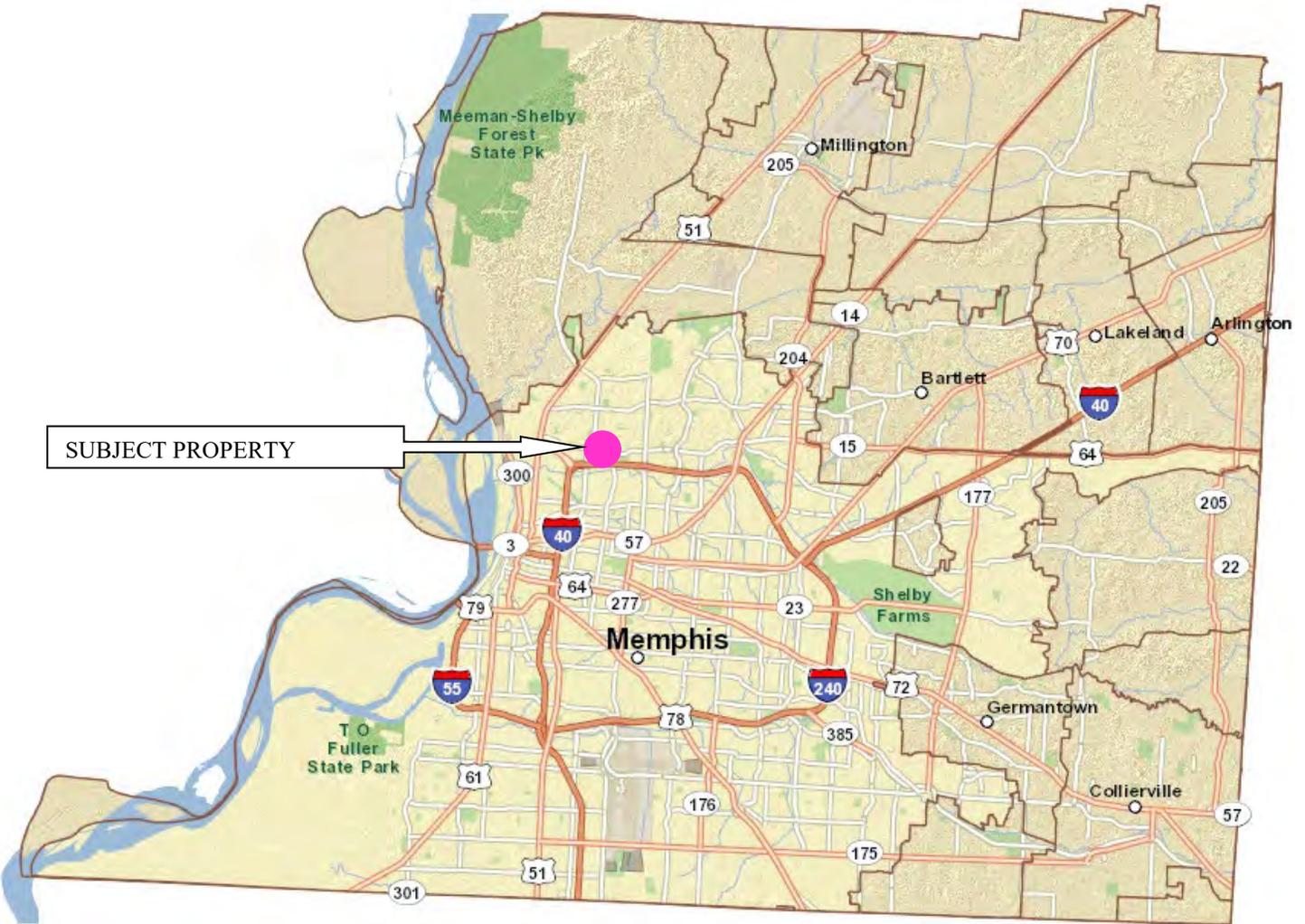
Subscribed and sworn to before me this 24 day of August, 2021.

[Signature]  
Notary Public

My commission expires: 11-18-2024

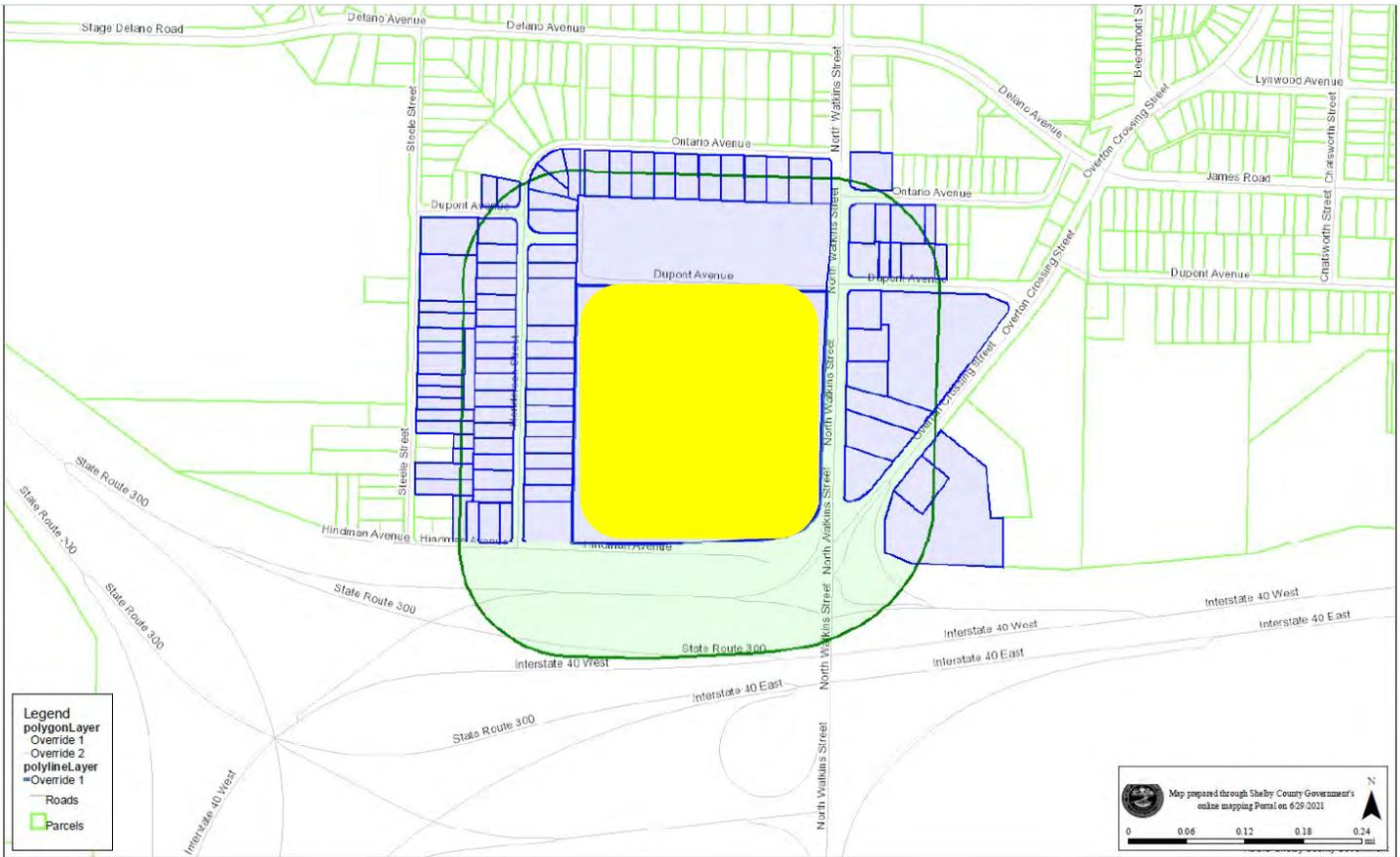


**LOCATION MAP**



Subject property located within the pink circle.

### VICINITY MAP



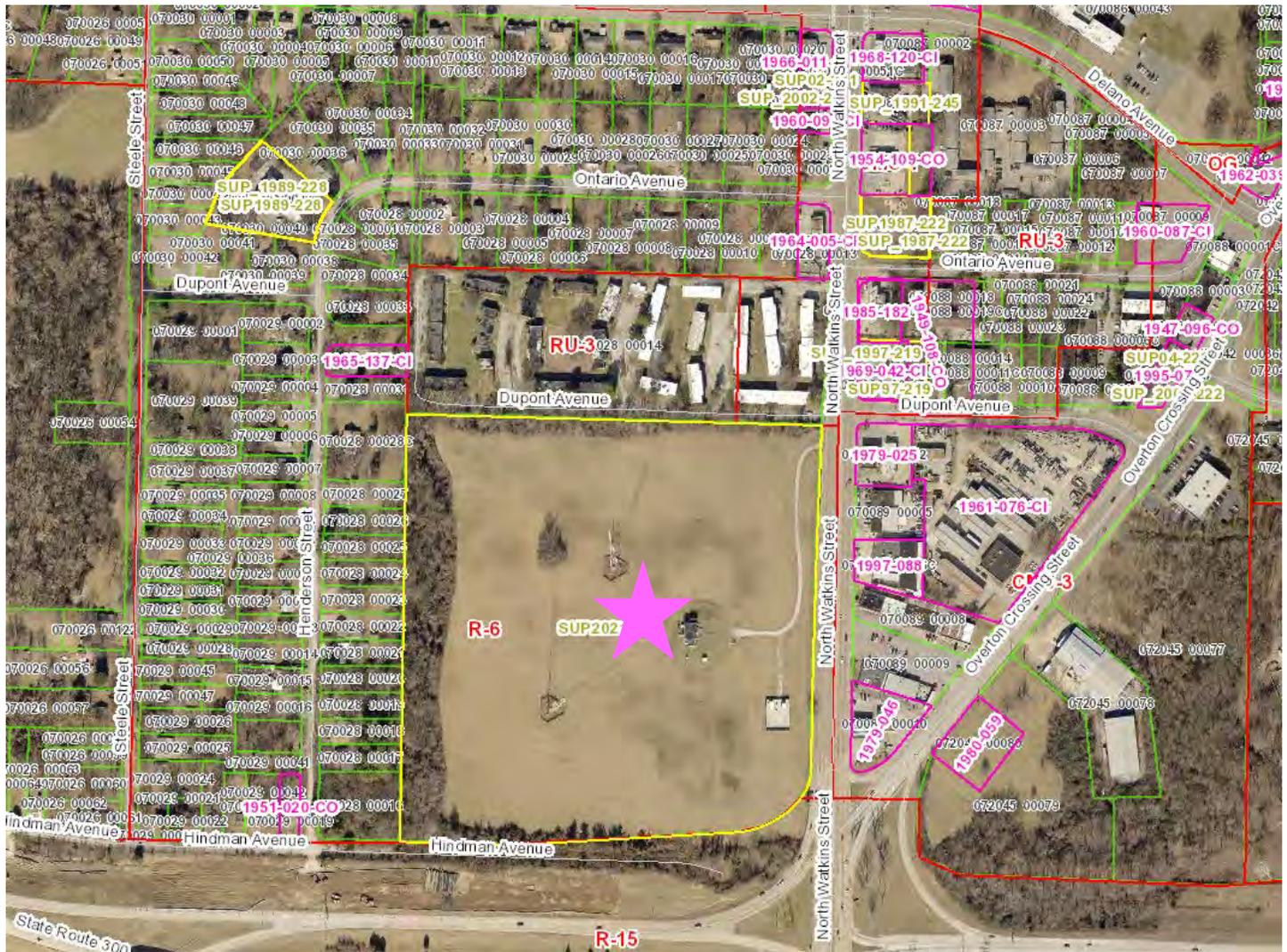
Site highlighted in yellow

**AERIAL**



Subject property outlined in orange.

**ZONING MAP**



Subject property indicated by a pink star

**Existing Zoning:** Residential – 6 (R-6)

**Surrounding Zoning**

**North:** RU-3

**East:** CMU-3

**South:** R-15

**West:** Conservation Agriculture (CA), and Flood Plain Overlay (-FP)

**LAND USE MAP**



Subject property indicated by a pink star

**SITE PHOTOS**



View of subject property looking north

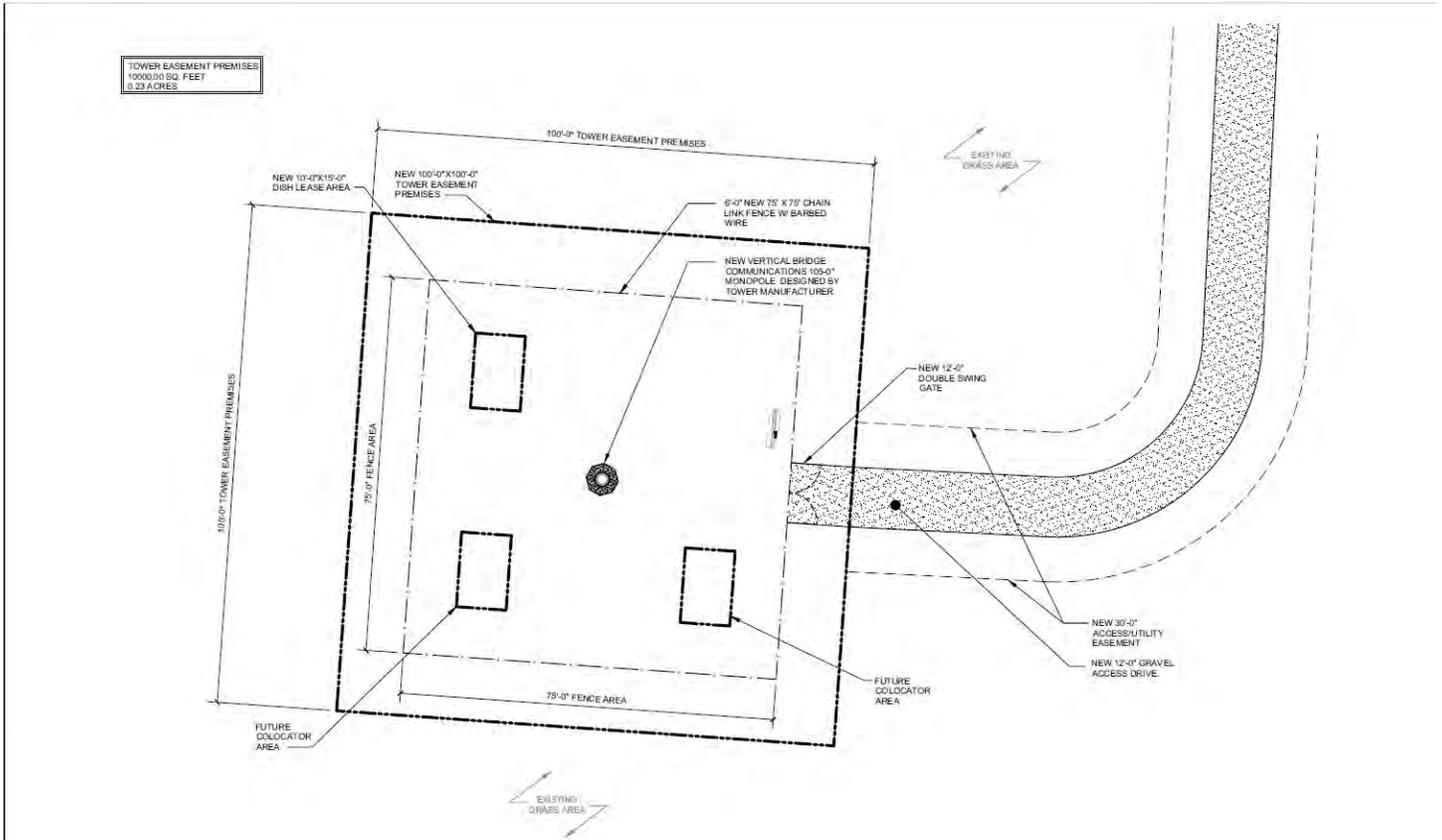


View of subject property looking northeast

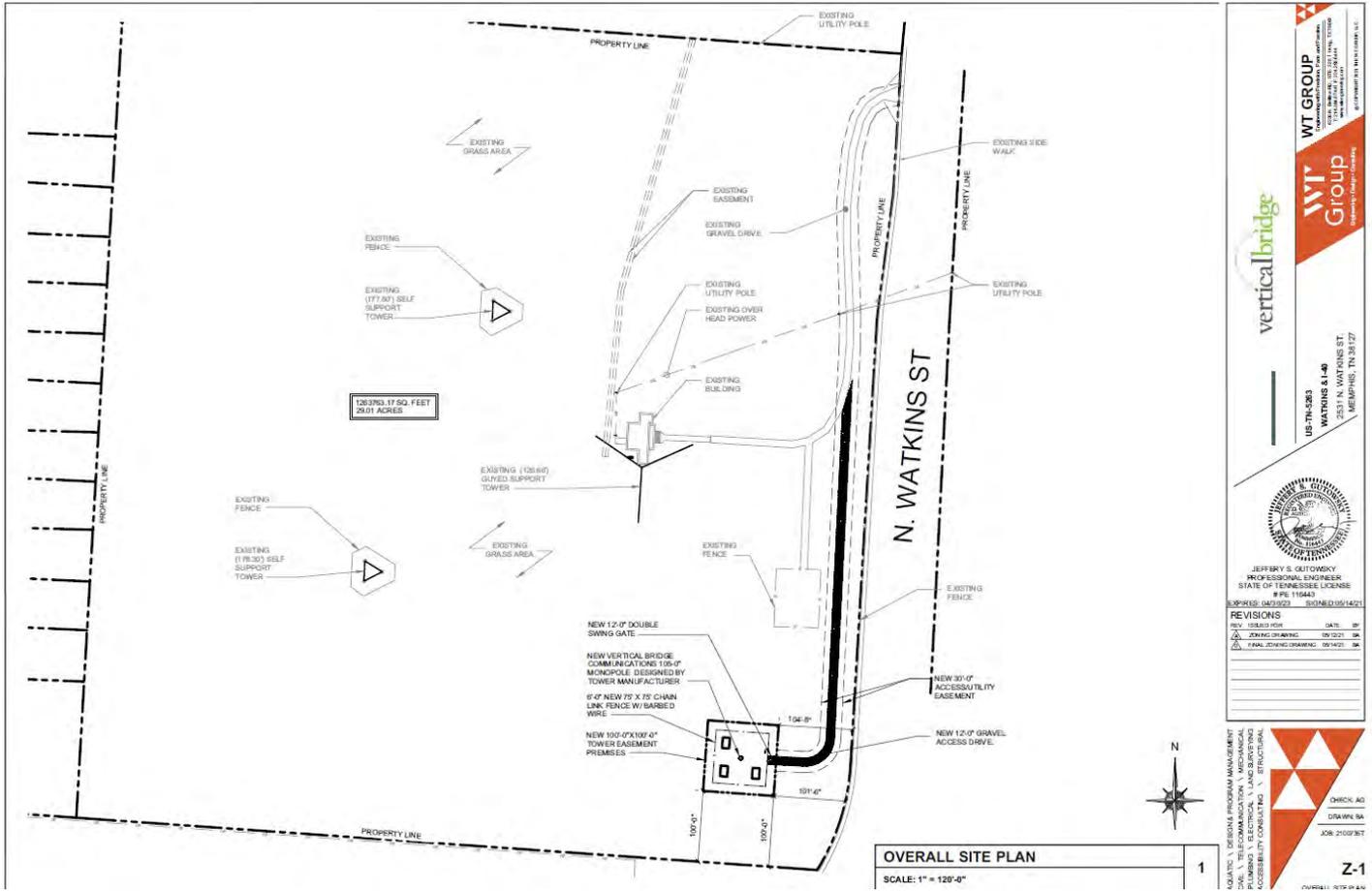


View of subject property looking northwest

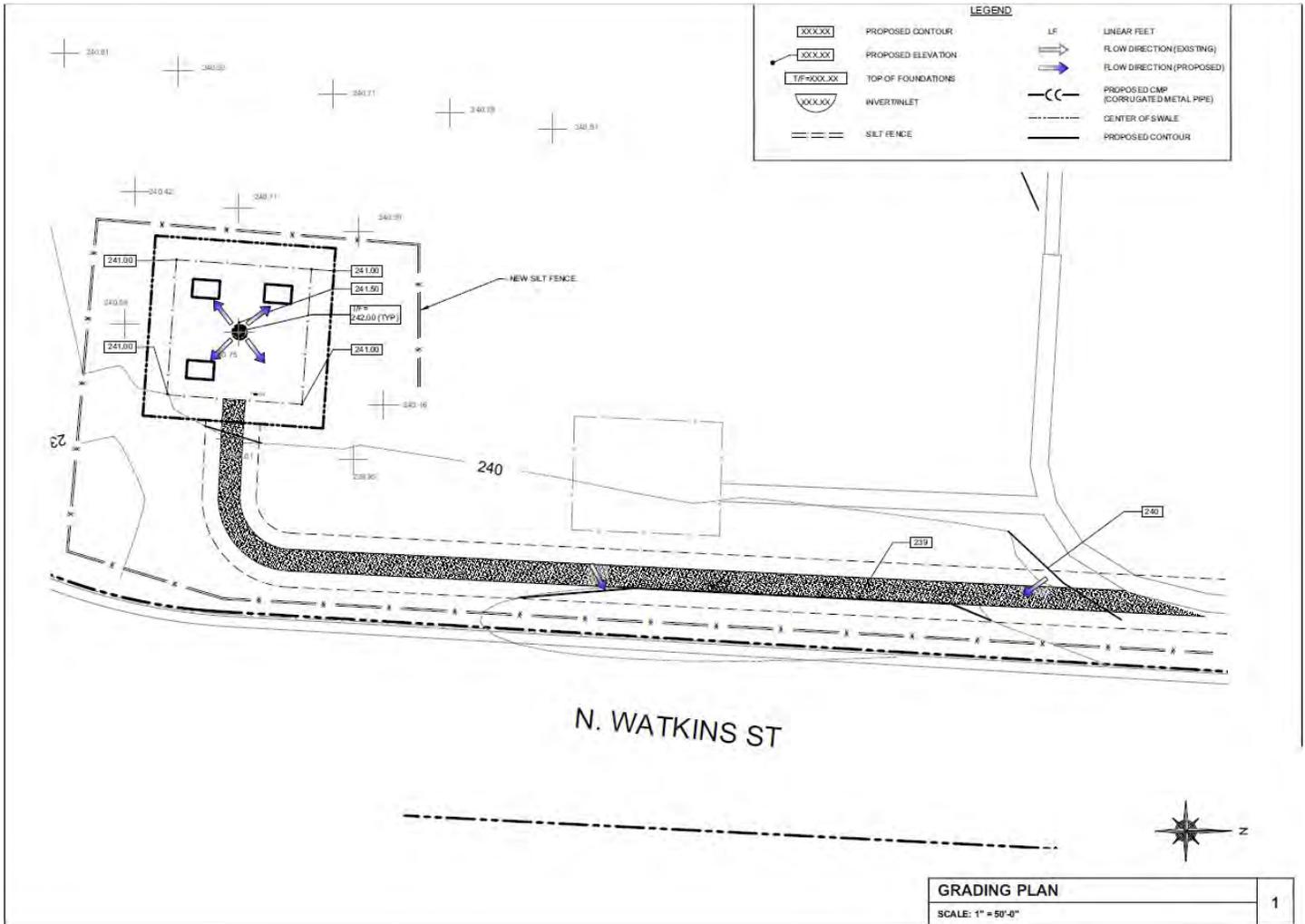
**SITE PLAN**



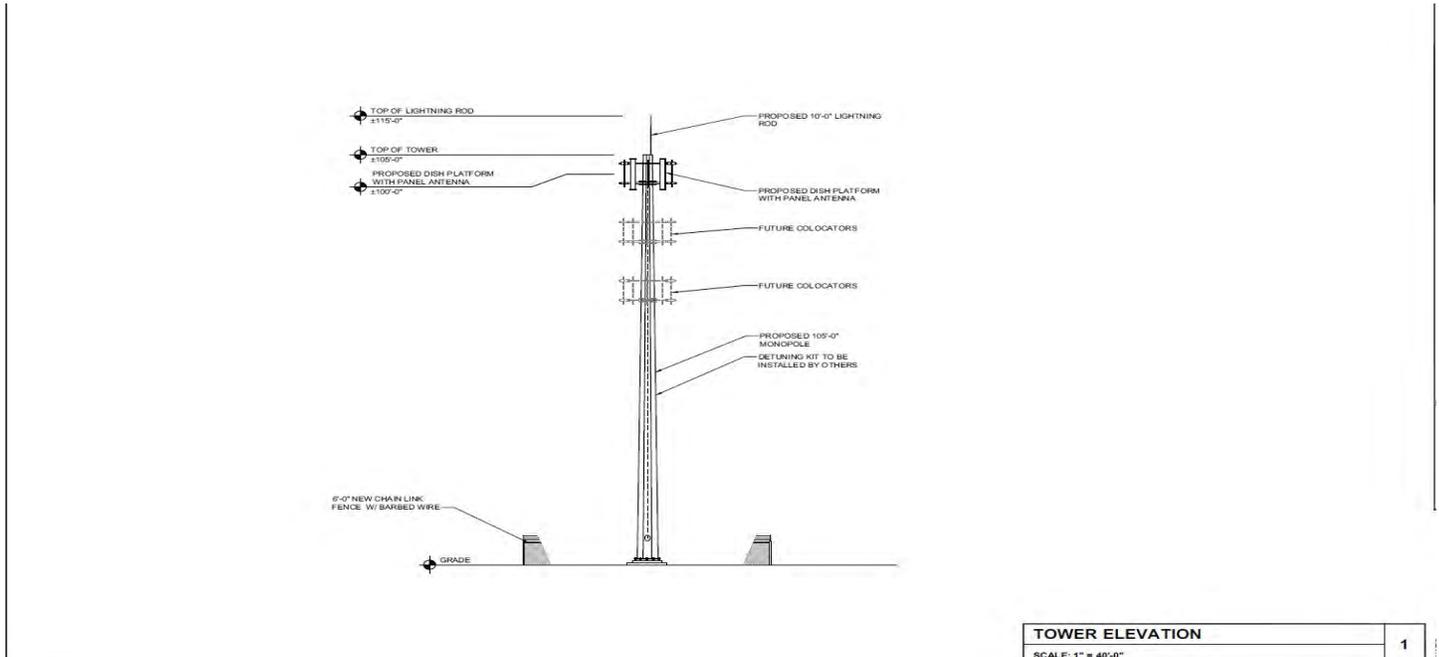
**OVERALL SITE PLAN**



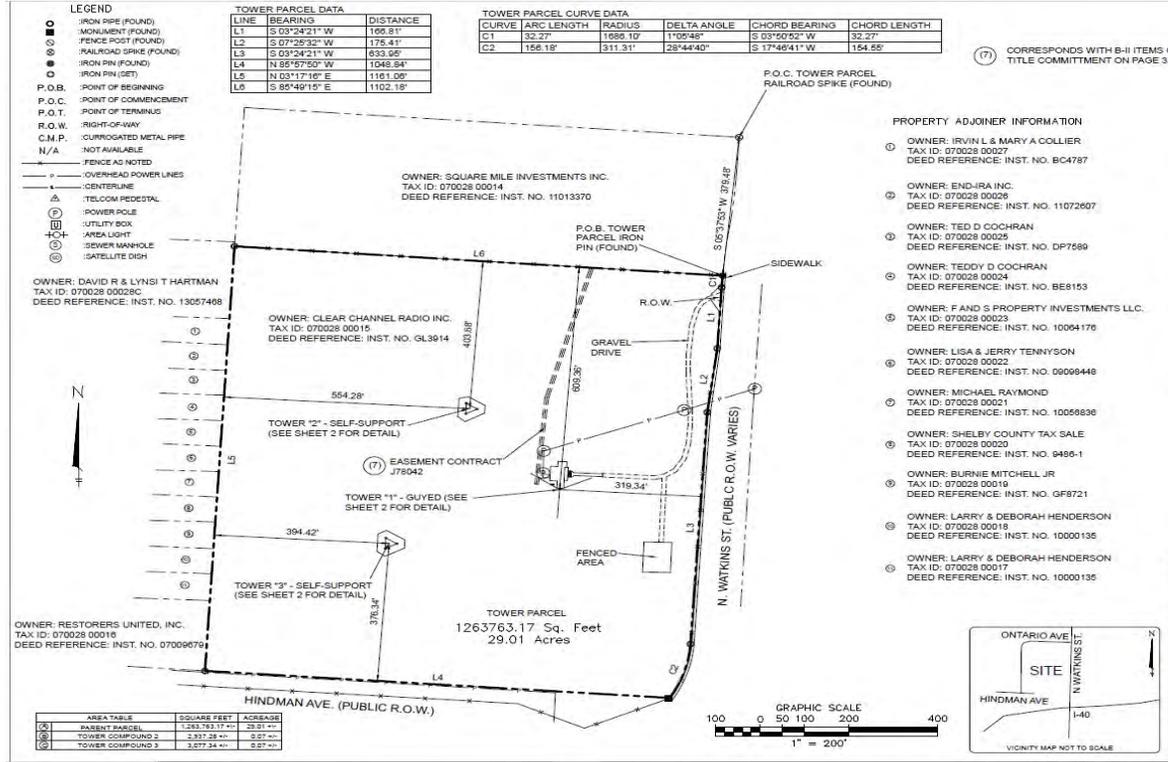
**GRADING PLAN**



**TOWER ELEVATION**



**SURVEY**



**BOUNDARY SURVEY**

**SURVEYOR'S NOTES**

1. BASIS OF BEARINGS, DEED AS RECORDED IN INSTRUMENT NO. 0L314, R.O.S.C.T.N.
2. NO SUBSURFACE INVESTIGATION WAS PERFORMED TO LOCATE UNDERGROUND UTILITIES. UTILITIES SHOWN HEREON ARE LIMITED TO AND ARE PER CALIBERED EVIDENCE ONLY.
3. THIS SURVEY REPRESENTS A BOUNDARY SURVEY OF THE PARENT PARCEL.
4. UNLESS OTHERWISE NOTED, ALL VISIBLE TOWER EQUIPMENT AND IMPROVEMENTS ARE CONTAINED WITHIN THE DESCRIBED AREA.
5. ZONING: N/A
6. FLOOD NOTE: THE TOWER AREA BEING LOCATED IN PANEL NO. 471870282P DOES NOT LIE IN AN AREA DESIGNATED AS A SPECIAL FLOOD HAZARD ZONE (X) BEARING AN EFFECTIVE DATE OF 9-28-07, AS PER FEMA.GOV WEBSITE.

**SURVEYOR'S CERTIFICATION**

I HEREBY CERTIFY TO: VERTICAL BRIDGE RETI, LLC, A Delaware limited liability company, its subsidiaries, and their respective successors and/or assigns; The Bank of New York Mellon, as Collateral Agent, and its successors and/or assigns; and Old Republic National Title Ins. Co.

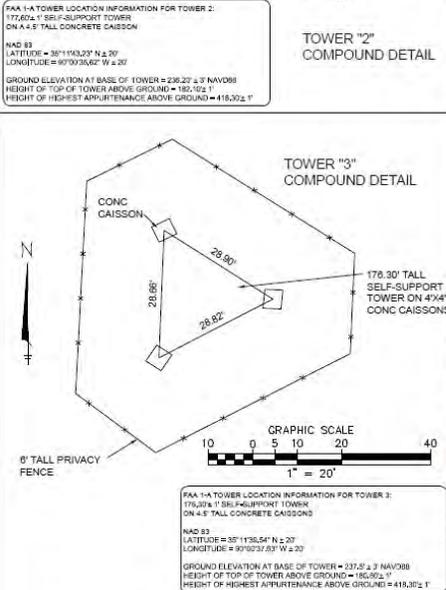
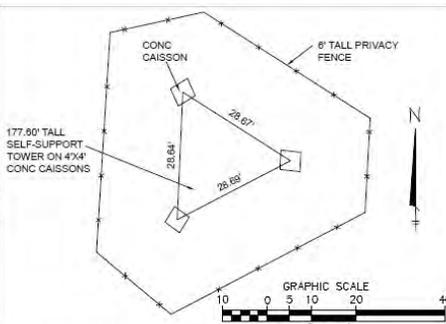
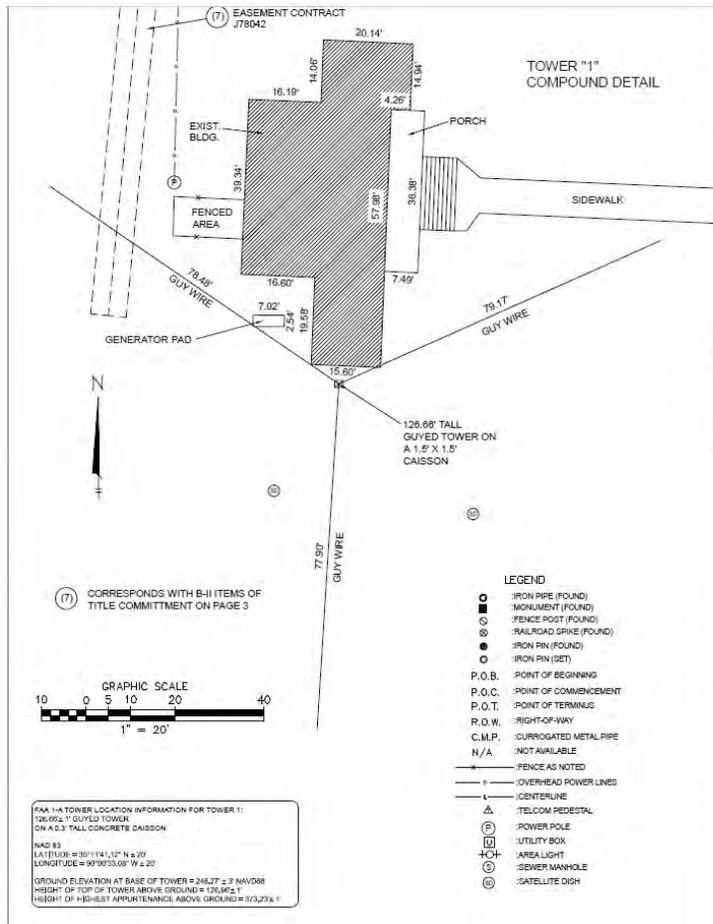
**verticalbridge**  
HOME AND PROPERTY SOLUTIONS, LLC.  
JEFFREY A. LEOPARD  
LAND SURVEYOR - TN # 2418  
Date: 3-25-21  
Revision #

**verticalbridge**  
JOB: VERTICAL BRIDGE TOWERS, LLC  
SITE NAME: MEI-015  
SITE NUMBER: US-TN-5021 US-TN-5025  
US-TN-5026  
ADDRESS: 2531 N. WATKINS ST.  
MEMPHIS, TN 38127  
SHELBY COUNTY

**WORK PERFORMED BY:**  
B2I Home & Property Solutions, LLC.  
1198 Old Pennington Rd., Jaxton, TN 37080  
Office: (615) 748-7430 Fax: (615) 751-5214  
www.b2i.com "Providing Solutions with You in Mind!"

**NATIONAL SURVEY SERVICES COORDINATION BY:**  
GEOLINE SURVEYING, INC.  
13430 Hwy 15049 Terrace, Suite A  
Atlanta, GA 30316  
Office: (384) 419-9200  
Fax: (384) 423-9986  
www.geolineinc.com

SHEET 1 OF 3



**BOUNDARY SURVEY**

**SURVEYOR'S NOTES**

1. BASIS OF BEARINGS, DEED AS RECORDED IN INSTRUMENT NO. 0L314, R.O.S.C.T.N.
2. NO SUBSURFACE INVESTIGATION WAS PERFORMED TO LOCATE UNDERGROUND UTILITIES. UTILITIES SHOWN HEREON ARE LIMITED TO AND ARE PER CALIBERED EVIDENCE ONLY.
3. THIS SURVEY REPRESENTS A BOUNDARY SURVEY OF THE PARENT PARCEL.
4. UNLESS OTHERWISE NOTED, ALL VISIBLE TOWER EQUIPMENT AND IMPROVEMENTS ARE CONTAINED WITHIN THE DESCRIBED AREA.
5. ZONING: N/A
6. FLOOD NOTE: THE TOWER AREA BEING LOCATED IN PANEL NO. 471870282P DOES NOT LIE IN AN AREA DESIGNATED AS A SPECIAL FLOOD HAZARD ZONE (X) BEARING AN EFFECTIVE DATE OF 9-28-07, AS PER FEMA.GOV WEBSITE.

**SURVEYOR'S CERTIFICATION**

I HEREBY CERTIFY TO: VERTICAL BRIDGE RETI, LLC, A Delaware limited liability company, its subsidiaries, and their respective successors and/or assigns; The Bank of New York Mellon, as Collateral Agent, and its successors and/or assigns; and Old Republic National Title Ins. Co.

**verticalbridge**  
HOME AND PROPERTY SOLUTIONS, LLC.  
JEFFREY A. LEOPARD  
LAND SURVEYOR - TN # 2418  
Date: 3-25-21

**verticalbridge**  
JOB: VERTICAL BRIDGE TOWERS, LLC  
SITE NAME: MEI-015  
SITE NUMBER: US-TN-5021 US-TN-5025  
US-TN-5026  
ADDRESS: 2531 N. WATKINS ST.  
MEMPHIS, TN 38127  
SHELBY COUNTY

**WORK PERFORMED BY:**  
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Atlanta, GA 30316  
Office: (384) 419-9200  
Fax: (384) 423-9986  
www.geolineinc.com

SHEET 2 OF 3

US-TN-5021, 5025, & 5026 - MEM-013  
2531 N. WATKINS ST. MEMPHIS, TN 38127  
SHELBY COUNTY, TN  
LAND DESCRIPTION  
(AS SURVEYED)

Being a tract of land situated in Shelby County, Tennessee and being more particularly described as follows:

COMMENCING at a railroad spike (found) at the northeast corner of the Square Mile Investments Inc. property (Inst. No. 11013370), thence South 05 deg. 37 min. 53 sec. West, 379.48 feet to an iron pin (found) at the northeast corner of the Clear Channel Radio Inc. property (Inst. No. GL3914), this being the **TRUE POINT OF BEGINNING**;

Thence, with a curve to the left, having an arc length of 32.27 feet, a radius of 1,686.10 feet, a chord bearing of South 03 deg. 50 min. 52 sec. West, a distance of 32.27 feet to an iron pin (set);

Thence, South 03 deg. 24 min. 21 sec. West, 166.81 feet to an iron pin (set);

Thence, South 07 deg. 25 min. 32 sec. West, 175.41 feet to an iron pin (set);

Thence, South 03 deg. 24 min. 21 sec. West, 633.95 feet to an iron pin (found);

Thence, with a curve to the right, having an arc length of 158.19 feet, a radius of 311.31 feet, a chord bearing of South 17 deg. 46 min. 41 sec. West, a distance of 154.55 feet to a highway monument (found);

Thence, North 85 deg. 57 min. 50 sec. West, 1048.84 feet to an iron pin (set);

Thence, North 03 deg. 17 min. 16 sec. East, 1101.06 feet to an iron pin (set);

Thence South 85 deg. 49 deg. 15 sec. East, 1102.18 feet to the **POINT OF BEGINNING**. Containing 1,283,763.17 square feet, or 29.01 acres. According to a survey by Jeffrey A. Leopard, Dated March 23, 2015.

OWNER: CLEAR CHANNEL RADIO INC.  
TAX ID: 070028 00015  
DEED REFERENCE: INST. NO. GL3914

TITLE INSURANCE COMMITMENT NOTE:

I HAVE REVIEWED COMMITMENT FOR TITLE INSURANCE UNDERWRITTEN BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, WITH AN EFFECTIVE DATE OF DECEMBER 20, 2014 AT 7:00 A.M. COMMITMENT NUMBER 01-1406948-01T, AND FIND AS FOLLOWS WITH RESPECT TO THE EXCEPTIONS LISTED IN SCHEDULE B-SECTION 2 OF SAID COMMITMENT:

- (1) FACTS WHICH WOULD BE DISCLOSED BY A COMPREHENSIVE SURVEY OF THE PREMISES HEREIN DESCRIBED. (BLANKET IN NATURE, NOT PLOTTABLE)
- (2) RIGHTS OR CLAIMS OF PARTIES IN POSSESSION OR RIGHTS OF TENANTS IN POSSESSION AS TENANTS ONLY UNDER UNRECORDED LEASES. (BLANKET IN NATURE, NOT PLOTTABLE)
- (3) MECHANICS', CONTRACTORS' OR MATERIAL MEN'S LIENS AND LIEN CLAIMS, IF ANY, WHERE NO NOTICE THEREOF APPEARS OF RECORD. (BLANKET IN NATURE, NOT PLOTTABLE)
- (4) ANY CHANGES IN TITLE OCCURRING SUBSEQUENT TO THE EFFECTIVE DATE OF THIS COMMITMENT AND PRIOR TO THE DATE OF ISSUANCE OF THE TITLE POLICY. (BLANKET IN NATURE, NOT PLOTTABLE)
- (5) TAXES AND SPECIAL ASSESSMENTS FOR CURRENT TAX YEAR DUE AND ALL SUBSEQUENT YEARS. (BLANKET IN NATURE, NOT PLOTTABLE)
- (6) DELETING FROM ANY INSTRUMENT IN THE PUBLIC RECORDS REFLECTED HEREIN, ANY COVENANT, CONDITION OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS OR NATIONAL ORIGIN TO THE EXTENT SUCH MATTERS VIOLATE 42 USC 3604(c). (BLANKET IN NATURE, NOT PLOTTABLE)
- (7) EASEMENT CONTRACT IN FAVOR OF THE CITY OF MEMPHIS ACTING THROUGH THE MEMPHIS LIGHT, GAS AND WATER DIVISION, RECORDED 08/01/1974, AS DOCUMENT NO. J78042 OF THE SHELBY COUNTY RECORDS.

- (7) CORRESPONDS WITH B-II ITEMS LOCATED ON DRAWING

**SURVEYOR'S NOTES**

1. BASIS OF BEARING, DEED AS RECORDED IN INSTRUMENT NO. GL3914, R.O.S.C.TN.
2. NO SUBSURFACE INVESTIGATION WAS PERFORMED TO LOCATE UNDERGROUND UTILITIES. UTILITIES SHOWN HEREON ARE LIMITED TO AND ARE PER OBSERVED EVIDENCE ONLY.
3. THIS SURVEY REPRESENTS A BOUNDARY SURVEY OF THE PARENT PARCEL.
4. UNLESS OTHERWISE NOTED, ALL VISIBLE TOWER EQUIPMENT AND IMPROVEMENTS ARE CONTAINED WITHIN THE DESCRIBED AREA.
5. ZONING: N/A
6. FLOOD NOTE: THE TOWER AREA BEING LOCATED IN PANEL NO. 411870200P DOES NOT LIE IN AN AREA DESIGNATED AS A SPECIAL FLOOD HAZARD (ZONE "X") BEARING AN EFFECTIVE DATE OF 9-25-07, AS PER FEMA SOVI WEBSITE.

**SURVEYOR'S CERTIFICATION**

I HEREBY CERTIFY TO: Vertical Bridge REIT, LLC, a Delaware limited liability company, its subsidiaries, and their respective successors and/or assigns; The Bank of New York, as Collateral Agent, and its successors and/or assigns, and Old Republic National Title Ins. Co.

B2L HOME AND PROPERTY SOLUTIONS, LLC.  
JEFFREY A. LEOPARD  
LAND SURVEYOR - TN # 2415  
Date: 9-30-21



**verticalbridge**

FOR: VERTICAL BRIDGE TOWERS, LLC

SITE NAME: MEM-013  
SITE NUMBER: US-TN-5021 US-TN-5025  
US-TN-5026  
ADDRESS: 2531 N. WATKINS ST.  
MEMPHIS, TN 38127  
SHELBY COUNTY

SURVEY WORK PERFORMED BY:

**B2L** Home & Property Solutions, LLC.  
1188 Old Pinckney Rd. Jackson, TN 37080  
Office: (615) 746-7490 Fax: (615) 791-6316  
www.b2linc.com "Providing Solutions with You in Mind"

DRAWN BY: CD	CHECKED BY: JL	JOB #115048
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NATIONAL SURVEY SERVICES COORDINATION BY:

**GEOLINE SURVEYING, INC.**  
13430 NW 154th Terrace, Suite A  
Northwest, FL 33415  
Office: (386) 418-0500  
Fax: (386) 462-9986  
www.geolineinc.com

SHEET 3 OF 3

## STAFF ANALYSIS

### Request

The application and letter of intent have been added to this report.

The request is for a 105-foot Monopole Communications (CMCS) Tower in the Residential – 6 (R-6) zoning district.

### Approval Criteria

Staff agrees the approval criteria in regard special use permits as set out in Section 9.6.9 of the Unified Development Code are met.

#### *9.6.9 Approval Criteria*

*No special use permit or planned development shall be approved unless the following findings are made concerning the application:*

- 9.6.9A The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.*
- 9.6.9B The project will be constructed, arranged, and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations.*
- 9.6.9C The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water, and sewers; or that the applicant will provide adequately for such services.*
- 9.6.9D The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic, or historic importance.*
- 9.6.9E The project complies with all additional standards imposed on it by any particular provisions authorizing such use.*
- 9.6.9F The request will not adversely affect any plans to be considered (see Chapter 1.9) or violate the character of existing standards for development of the adjacent properties.*
- 9.6.9G The governing bodies may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to insure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.*
- 9.6.9H Any decision to deny a special use permit request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record, per the Telecommunications Act of 1996, 47 USC 332(c)(7)(B)(iii). The review body may not take into account any environmental or health concerns.*

### Additional Approval Criteria for CMCS Towers

Staff agrees the requirements for special use permits for cell towers as set out in the Unified Development Code Paragraph 2.6.2I(2) are met.

#### *Item 2.6.2I(2)(b) General Requirements*

*The location, size and design of such facilities shall be such that minimal negative impacts result from the facility. Any application for a new tower shall not be approved nor shall any building permit for a new tower be issued unless the applicant certifies that the equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or other structure due to one or more of the following reasons:*

1. *The planned equipment would exceed the structural capacity of existing and approved structures, considering existing and planned use of those structures, and those structures cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost.*
2. *The planned equipment would result in technical or physical interference with or from other existing or planned equipment and the interference cannot be prevented at a reasonable cost.*
3. *There are no appropriate existing or pending structures to accommodate the planned equipment, taking into account, among other factors, the applicant's system requirements.*
4. *Other reasons that make it impractical to place equipment planned by the applicant on existing and approved structures.*

*Item 2.6.2I(2)(d) Co-Location – CMCS Towers Only*

1. *Any proposed CMCS tower shall be structurally designed to accommodate at least three additional CMCS sectorized antennas, if at least 100 feet in height, at least five additional CMCS sectorized antennas if at least 150 feet in height, at least six additional CMCS sectorized antennas if at least 170 feet in height. Co-located CMCS antennas shall be placed on a structure in such a manner as to avoid interference with or impairment of operations of existing antennas or other uses.*
2. *Nothing in these rules and regulations shall obligate the owner of an existing CMCS tower to co-locate additional antennas on such tower or be construed to interfere with or limit the rights of parties to set rent or establish other terms and conditions of the shared use of a CMCS tower or facility.*

**Consistency with Memphis 3.0**

The Memphis 3.0 General Plan does not address CMCS (cell) towers. CMCS towers are regulated by the Telecommunications Act of 1996 (Refer to UDC, Sub-Section 9.6.9H).

**Conclusions**

The request is for a 155-foot CMCS (Cell) tower in the Conservation Agriculture zoning district.

Staff agrees the approval criteria in regard to special use permits as set out in the Unified Development Code Section 9.6.9 are met.

Staff agrees the requirements for special use permits for cell towers as set out in the Unified Development Code Paragraph 2.6.2I(1) are met.

This project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.

**RECOMMENDATION**

Staff recommends approval with conditions.

**Conditions**

1. The compound shall be screened by evergreen landscaping and shall be subject to final review and approval by the Division of Planning and Development. All landscaping and screening shall be installed prior to launch and operation of the tower equipment. Required landscaping shall not be placed on or over any sewer or drainage easements or under any utility easement.
2. The equipment compound shall be enclosed by a 6-foot wooden privacy around the lease area to conceal the ground equipment. The compound gates will be chain link with concealment slats.
3. The maximum tower height shall be one-hundred five (105) feet Monopole Communications (CMCS) tower.
4. The tower and related equipment shall be removed within one-hundred eighty (180) days of ceasing operations.
5. The tower shall be constructed within two (2) years of approval by the Memphis City Council. The Land Use Control Board may grant a time extension through the applicant filing a correspondence item application with public notice sent to all property owners within five hundred feet (500') feet of the property.
6. The tower compound shall be completely enclosed with a six-foot (6') wooden fence around the perimeters of these features; however, a 12-foot-wide chain-linked double swing gate shall be allowed to provide access to the CMCS Tower.
7. Any interference with Memphis-Shelby County emergency communications by a station using this tower shall be the responsibility of the station and tower owner to remedy.

**DEPARTMENTAL COMMENTS**

The following comments were provided by agencies to which this application was referred:

**City/County Engineer:** CITY ENGINEERING COMMENTS      DATE: **8/3/2021**  
CASE: **SUP-21-017**      NAME: **Cell Tower**

1. Standard Subdivision Contract or Right-Of-Way Permit as required in Section 5.5.5 of the Unified Development Code.

**Sewers:**

- 2. City sanitary sewers are available to serve this development.
- 3. All sewer connections must be designed and installed by the developer. This service is no longer offered by the Public Works Division.
- 4. There are no conflicts between the tower placement and the existing sewer easement.

**Roads:**

- 5. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.
- 6. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City standards.

**Curb Cuts/Access:**

- 7. The City Engineer shall approve the design, number and location of curb cuts.
- 8. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.

**Drainage:**

- 9. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior to recording of the final plat.

- City/County Fire Division:** No comments received.
- City Real Estate:** No comments received.
- City/County Health Department:** No comments received.
- Shelby County Schools:** No comments received.
- Construction Code Enforcement:** No comments received.
- Memphis Light, Gas and Water:** No comments received.
- Office of Sustainability and Resilience:** No comments received.
- Office of Comprehensive Planning:** No comments received.

**APPLICATION**



**MEMPHIS AND SHELBY COUNTY**

**Record Summary for Special Use Permit**

**Record Detail Information**

Record Type: Special Use Permit

Record Status: Assignment

Opened Date: June 29, 2021

Record Number: SUP 2021-017

Expiration Date:

Record Name: US-MO-5263 Watkins

Description of Work: New 75' x 75' fenced compound within 100' x 100' tower easement premises and new 105' monopole. New Gravel access road and utilities. No new water or sewer is required.

Parent Record Number:

---

Address: 2531 N WATKINS ST, MEMPHIS 38127

---

**Owner Information**

Primary	Owner Name	Owner Address	Owner Phone
Yes	VERTICAL BRIDGE LANDCO LLC	2800 POST OAK BLVD, HOUSTON, TX 77056	(773) 988-1715

---

**Parcel Information**

Parcel No:  
070028 00015

---

**Contact Information**

Name	Organization Name	Contact Type	Phone
Kristi Eskew	VB BTS, LLC c/o Collective Solutions, LLC	Applicant	(314) 989-9810
Address	Suffix:		

Steve Hedges	Vertical Bridge Landco, LLC	Property Owner of Record	(773) 988-1715
Address			

Angel Gandara	WT Group	Architect / Engineer / Surveyor	(214) 384-0744
Address			

**Fee Information**

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed	Unit	Fee Code
1308614	Credit Card Use Fee (.026 x fee)	1	0.00	INVOICED	0.00	06/29/2021		PLNGSPUSE 10
1309727	Special Use Permit Fee - 5 acres or less (Base Fee)	1	500.00	INVOICED	0.00	07/02/2021		PLNGSPUSE 01
1309784	Credit Card Use Fee (.026 x fee)	1	13.00	INVOICED	0.00	07/02/2021		PLNGSPUSE 10
Total Fee Invoiced: \$513.00					Total Balance: \$0.00			

**Payment Information**

Payment Amount	Method of Payment
\$513.00	Credit Card

**Data Fields**

<b>PREAPPLICATION MEETING</b>	
Preapplication Meeting	No
Date of Meeting	-
Name of OPD Planner	-

**GENERAL PROJECT INFORMATION**

Application Type	New Special Use Permit
Previous Case Number	-
Is this application in response to a citation from Construction Code Enforcement or Zoning Letter?	No
If yes, please provide additional information	-

**APPROVAL CRITERIA**

The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare (UDC Sub-Section 9.6.9A).	Correct - Property usage would add a telecommunications tower, there are already two AM towers located on the property.
UDC Sub-Section 9.6.9B	Construction is located within a section of the property that will not interfere with any future constructions or developments in surrounding areas.
UDC Sub-Section 9.6.9C	Project will have the existing access extended to the construction area, the existing access from the ROW will not be disturbed. This is an unmanned facility, as such, water and sewer facilities will not need to be obtained.
UDC Sub-Section 9.6.9D	Correct, this project is within the property.
UDC Sub-Section 9.6.9E	Yes
UDC Sub-Section 9.6.9F	Correct

**GIS INFORMATION**

Case Layer	-
Central Business Improvement District	No
Class	-
Downtown Fire District	No
Historic District	-
Land Use	-
Municipality	-
Overlay/Special Purpose District	-
Zoning	-
State Route	-
Lot	-

Subdivision -  
Planned Development District -

---

**Data Tables**

**ADDRESS AND PARCEL LIST**

Property Address: 2531 N Watkins St  
Property Parcel Number: 070028 00015

---

**AREA INFORMATION**

Name: Vertical Bridge Landco, LLC  
Size (Acres): 29.166  
Overlay District: N/A  
Existing Use of Property: Utility/RR  
Requested Use of Property: Utility/RR

---

vertical bridge



Shelby County Planning Office  
125 North Main Street, Suite 477  
Memphis, TN 38103  
Phone: (901) 636-6601

June 28, 2021

Memphis and Shelby County  
Office of Planning and Development – City Hall  
125 North Main Street, Suite 477  
Memphis, TN 38103  
Phone (901) 636-6601

RE: Proposed New Cell Tower in Shelby County by Applicant VB BTS, LLC ("Vertical Bridge")  
Address: 2531 N. Watkins Street, Memphis, TN 38127  
Parcel: 21170500000000 (ID # 070028-00015)  
Lat/Long Coordinates: 35.193642, -90.008667  
Tower Design/Height: 105' Monopole Tower with 10' Lightning Rod attachment

Dear Shelby County Planning Office:

The newly proposed cell tower with location described above is required in this location to address coverage and capacity for DISH Wireless. The public will greatly benefit if the zoning approval is granted for the new tower, which will provide better coverage, capacity, and E911 service in the area. The proposed tower is located within the DISH search ring, and, in evaluating the area, DISH determined that there were no existing towers or structures within DISH's search parameters on which the DISH equipment could be located of which could serve as an alternative to the proposed new tower to provide optimal coverage.

Vertical Bridge's communication facility will comply with all regulations administered by the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), and all applicable governmental bodies that regulate communications towers.

In addition, Vertical Bridge is submitting this letter as intent to committing for allowing the shared use of the tower if capacity exists based on existing and planned use, and if a future applicant agrees in writing. The shared use, or co-location of other future applicant equipment, where structurally, technically, physically, economically, and contractually feasible, including the cost of modifying the tower would be borne by the future co-locating applicant.

Please do not hesitate to reach out to me with any questions.

Sincerely,

Steve Hedges, Project Manager  
Vertical Bridge (VB BTS, LLC)  
750 Park of Commerce Drive, Suite 200  
Boca Raton, FL 33487  
773.988.1715 mobile  
[SHedges@verticalbridge.com](mailto:SHedges@verticalbridge.com)

**SIGN AFFIDAVIT**

AFFIDAVIT

Shelby County  
State of Tennessee

I, Kristi Eskew, being duly sworn, depose and say that at 11:25 am pm on the 24th day of August, 2021, I posted 3 Public Notice Sign(s) pertaining to Case No. SUP 21-017 at 2531 N. Watkins Road, Memphis, TN, providing notice of a Public Hearing before the 9/9/2021 Land Use Control Board, Memphis City Council, Shelby County Board of Commissioners for consideration of a proposed Land Use Action (Planned Development, 21-017 Special Use Permit, Zoning District Map Amendment, Street and/or Alley Closure), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

Kristi M. Eskew, Collective Solutions 8/24/2021  
Owner, Applicant or Representative Agent to Vertical Bridge. Date

Subscribed and sworn to before me this 24 day of August, 2021.

[Signature]  
Notary Public

My commission expires: 11.18.2024



**LETTERS RECEIVED**

Two letters of concerns and requests were received at the time of completion of this report and have subsequently been attached.



# RAW LAND SURVEY

## SURVEYOR'S NOTES

1. BASIS OF BEARING, DEED AS RECORDED IN INSTRUMENT NO. GL3914, R.O.S.C.T.N.
2. NO SUBSURFACE INVESTIGATION WAS PERFORMED TO LOCATE UNDERGROUND UTILITIES. UTILITIES SHOWN HEREON ARE LIMITED TO AND ARE PER OBSERVED EVIDENCE ONLY.
3. AT THE TIME OF THIS SURVEY, THERE WERE NO VISIBLE ENCROACHMENTS AFFECTING THE LEASE AREA OR ANY VB EASEMENTS AND ALL ARE CONTAINED WHOLLY WITHIN THE PARENT TRACT PARCEL.
4. THE ACCESS/UTILITY EASEMENT GOES TO N. WATKINS STREET, A PUBLIC RIGHT OF WAY.
5. UNLESS OTHERWISE NOTED, ALL VISIBLE TOWER EQUIPMENT AND IMPROVEMENTS ARE CONTAINED WITHIN THE DESCRIBED AREA.
6. ZONING: N/A
7. FLOOD NOTE: THE TOWER AREA BEING LOCATED IN PANEL NO. 47157C0260F DOES NOT LIE IN AN AREA DESIGNATED AS A SPECIAL FLOOD HAZARD (ZONE "X") BEARING AN EFFECTIVE DATE OF 9-28-07, AS PER FEMA.GOV WEBSITE.

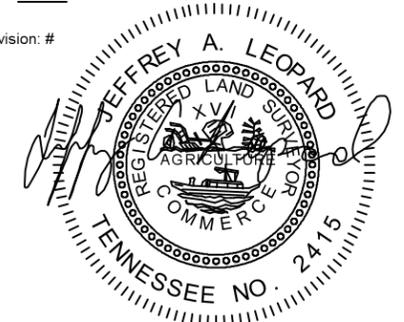
## SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY TO: Vertical Bridge REIT, LLC, a Delaware limited liability company, its subsidiaries, and their respective successors and/or assigns; Toronto Dominion (Texas) LLC, as Administrative Agent, for itself and on behalf of the lenders parties from time to time to that certain Second Amended and Restated Loan Agreement dated June 17, 2016 with Vertical Bridge Holdco, LLC, as borrower, and Vertical Bridge Holdco Parent, LLC, as parent, as may be amended, restated, modified or renewed, their successors and assigns as their interests may appear.

B2L HOME AND PROPERTY SOLUTIONS, LLC.  
JEFFREY A. LEOPARD  
LAND SURVEYOR - TN #2415

Date: 4-5-21

Revision: #



**verticalbridge**

**SITE NAME: WATKINS & I-40**  
**SITE NUMBER: US-TN-5263**  
**ADDRESS: 2531 N. WATKINS ST.**  
**MEMPHIS, TN 38127**  
**SHELBY COUNTY**

**SURVEY WORK PERFORMED BY:**



1198 OLD PINNACLE RD.  
JOELTON, TN 37080  
PHONE: (615) 212-5703  
E-MAIL: b2lhps@gmail.com  
www.b2lhps.com

DRAWN BY: CB CHECKED BY: JL JOB #:LS-1255

**NATIONAL SURVEY SERVICES COORDINATION BY:**

**GEOLINE SURVEYING, INC.**  
13430 NW 104th Terrace, Suite A  
Alachua, FL 32615  
Office: (386) 418-0500  
Fax: (386) 462-9986  
WWW.GEOLINEINC.COM

SHEET 1 OF 4

## LEGEND

- : IRON PIPE (FOUND)
- : MONUMENT (FOUND)
- ⊗ : FENCE POST (FOUND)
- ⊗ : RAILROAD SPIKE (FOUND)
- ⊗ : IRON PIN (FOUND)
- : IRON PIN (SET)
- P.O.B. : POINT OF BEGINNING
- P.O.C. : POINT OF COMMENCEMENT
- P.O.T. : POINT OF TERMINUS
- R.O.W. : RIGHT-OF-WAY
- C.M.P. : CURROGATED METAL PIPE
- N/A : NOT AVAILABLE
- : FENCE AS NOTED
- P — : OVERHEAD POWER LINES
- C — : CENTERLINE
- △ : TELCOM PEDESTAL
- ⊙ : POWER POLE
- ⊙ : UTILITY BOX
- ⊕ : AREA LIGHT
- ⊙ : SEWER MANHOLE
- ⊙ : SATELLITE DISH

## TOWER PARCEL DATA

LINE	BEARING	DISTANCE
L1	S 03°24'21" W	166.81'
L2	S 07°25'32" W	175.41'
L3	S 03°24'21" W	633.95'
L4	N 85°57'50" W	1048.84'
L5	N 03°17'16" E	1161.06'
L6	S 85°49'15" E	1102.18'

## TOWER PARCEL CURVE DATA

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	32.27'	1686.10'	1°05'48"	S 03°50'52" W	32.27'
C2	156.18'	311.31'	28°44'40"	S 17°46'41" W	154.55'

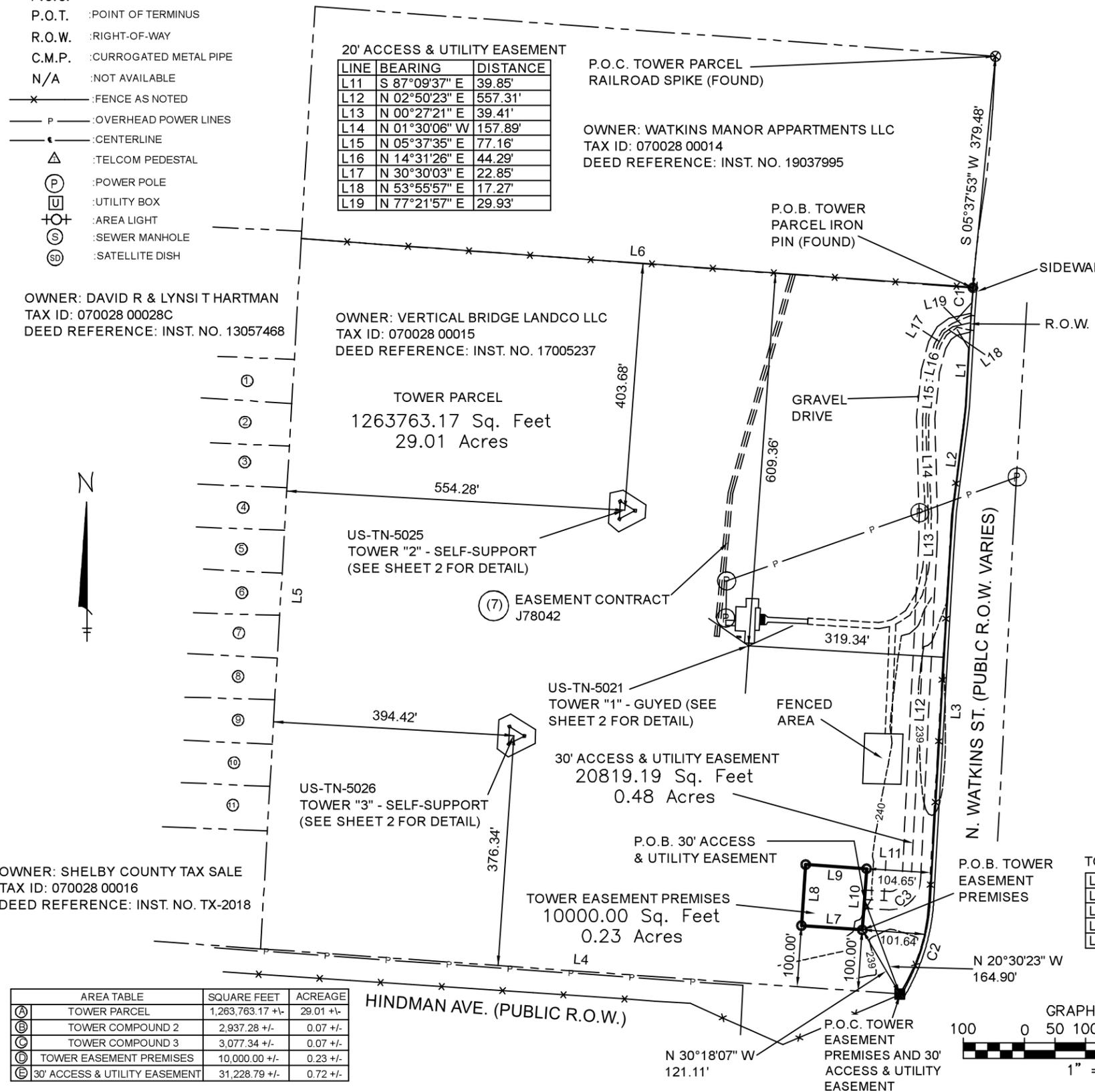
## 20' ACCESS & UTILITY EASEMENT

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C3	54.98'	35.00'	90°00'00"	N 47°50'23" E	49.50'

(7) CORRESPONDS WITH B-II ITEMS OF TITLE COMMITMENT ON PAGE 3

## PROPERTY ADJOINER INFORMATION

1. OWNER: IRVIN L & MARY A COLLIER  
TAX ID: 070028 00027  
DEED REFERENCE: INST. NO. BC4787
2. OWNER: CONFIDENCE HOLDINGS, LLC  
TAX ID: 070028 00026  
DEED REFERENCE: INST. NO. 19049719
3. OWNER: TED D COCHRAN  
TAX ID: 070028 00025  
DEED REFERENCE: INST. NO. DP7589
4. OWNER: TEDDY D COCHRAN  
TAX ID: 070028 00024  
DEED REFERENCE: INST. NO. BE8153
5. OWNER: F AND S PROPERTY INVESTMENTS LLC.  
TAX ID: 070028 00023  
DEED REFERENCE: INST. NO. 10064176
6. OWNER: WILLIAM A SWINFORD  
TAX ID: 070028 00022  
DEED REFERENCE: INST. NO. 18126772
7. OWNER: MICHAEL RAYMOND  
TAX ID: 070028 00021  
DEED REFERENCE: INST. NO. 10056836
8. OWNER: SHELBY COUNTY TAX SALE  
TAX ID: 070028 00020  
DEED REFERENCE: INST. NO. 9486-1
9. OWNER: BURNIE MITCHELL JR  
TAX ID: 070028 00019  
DEED REFERENCE: INST. NO. GF8721
10. OWNER: LARRY & DEBORAH HENDERSON  
TAX ID: 070028 00018  
DEED REFERENCE: INST. NO. 10000135
11. OWNER: LARRY & DEBORAH HENDERSON  
TAX ID: 070028 00017  
DEED REFERENCE: INST. NO. 10000135



### 20' ACCESS & UTILITY EASEMENT

LINE	BEARING	DISTANCE
L11	S 87°09'37" E	39.85'
L12	N 02°50'23" E	557.31'
L13	N 00°27'21" E	39.41'
L14	N 01°30'06" W	157.89'
L15	N 05°37'35" E	77.16'
L16	N 14°31'26" E	44.29'
L17	N 30°30'03" E	22.85'
L18	N 53°55'57" E	17.27'
L19	N 77°21'57" E	29.93'

P.O.C. TOWER PARCEL  
RAILROAD SPIKE (FOUND)  
  
OWNER: WATKINS MANOR APARTMENTS LLC  
TAX ID: 070028 00014  
DEED REFERENCE: INST. NO. 19037995

OWNER: VERTICAL BRIDGE LANDCO LLC  
TAX ID: 070028 00015  
DEED REFERENCE: INST. NO. 17005237

TOWER PARCEL  
1263763.17 Sq. Feet  
29.01 Acres

US-TN-5025  
TOWER "2" - SELF-SUPPORT  
(SEE SHEET 2 FOR DETAIL)

(7) EASEMENT CONTRACT  
J78042

US-TN-5021  
TOWER "1" - GUYED (SEE SHEET 2 FOR DETAIL)

US-TN-5026  
TOWER "3" - SELF-SUPPORT  
(SEE SHEET 2 FOR DETAIL)

30' ACCESS & UTILITY EASEMENT  
20819.19 Sq. Feet  
0.48 Acres

P.O.B. 30' ACCESS & UTILITY EASEMENT  
  
TOWER EASEMENT PREMISES  
10000.00 Sq. Feet  
0.23 Acres

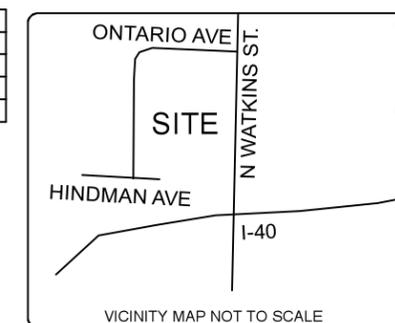
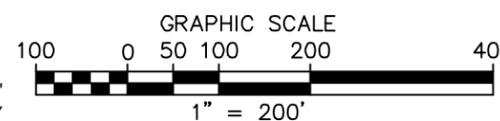
### TOWER EASEMENT PREMISES

LINE	BEARING	DISTANCE
L7	N 85°57'50" W	100.00'
L8	N 04°02'10" E	100.00'
L9	S 85°57'50" E	100.00'
L10	S 04°02'10" W	100.00'

OWNER: SHELBY COUNTY TAX SALE  
TAX ID: 070028 00016  
DEED REFERENCE: INST. NO. TX-2018

### AREA TABLE

AREA	SQUARE FEET	ACREAGE
(A) TOWER PARCEL	1,263,763.17 +/-	29.01 +/-
(B) TOWER COMPOUND 2	2,937.28 +/-	0.07 +/-
(C) TOWER COMPOUND 3	3,077.34 +/-	0.07 +/-
(D) TOWER EASEMENT PREMISES	10,000.00 +/-	0.23 +/-
(E) 30' ACCESS & UTILITY EASEMENT	31,228.79 +/-	0.72 +/-



# RAW LAND SURVEY

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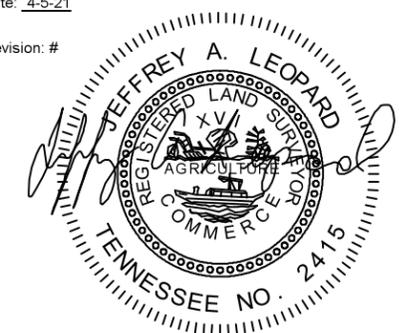
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B2L HOME AND PROPERTY SOLUTIONS, LLC.  
JEFFREY A. LEOPARD  
LAND SURVEYOR - TN #2415

Date: 4-5-21

Revision: #



**verticalbridge**

**SITE NAME: WATKINS & I-40**  
**SITE NUMBER: US-TN-5263**  
**ADDRESS: 2531 N. WATKINS ST.**  
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DRAWN BY: CB

CHECKED BY: JL

JOB #: LS-1255

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SHEET 2 OF 4



L9

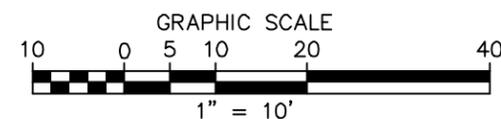
### LEGEND

○ IRON PIN (SET)

TOWER LEASE  
10000.00 Sq. Feet  
0.23 Acres

L8

L10



L7

# RAW LAND SURVEY

## SURVEYOR'S NOTES

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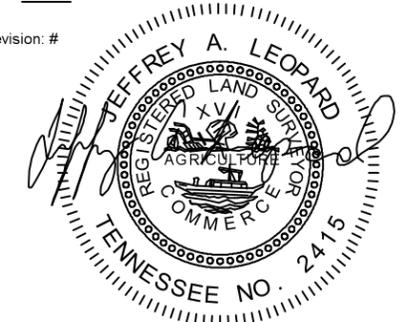
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B2L HOME AND PROPERTY SOLUTIONS, LLC.  
JEFFREY A. LEOPARD  
LAND SURVEYOR - TN # 2415

Date: 4-5-21

Revision: #



**verticalbridge**

**SITE NAME: WATKINS & I-40**  
**SITE NUMBER: US-TN-5263**  
**ADDRESS: 2531 N. WATKINS ST.**  
**MEMPHIS, TN 38127**  
**SHELBY COUNTY**

**SURVEY WORK PERFORMED BY:**



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JOELTON, TN 37080  
PHONE: (615) 212-5703  
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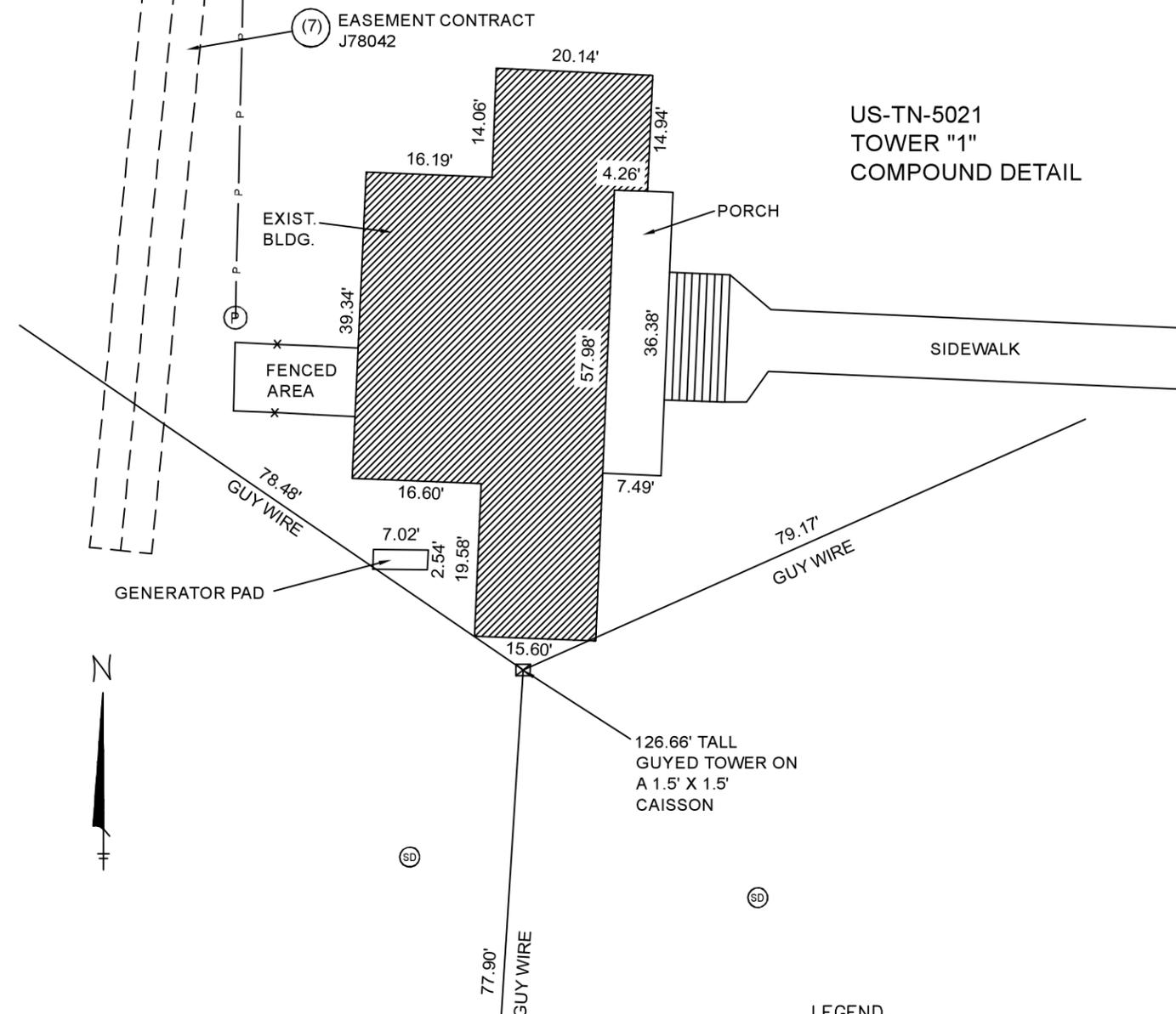
DRAWN BY: CB      CHECKED BY: JL      JOB #: LS-1255

**NATIONAL SURVEY SERVICES COORDINATION BY:**

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WWW.GEOLINEINC.COM

SHEET 3 OF 4

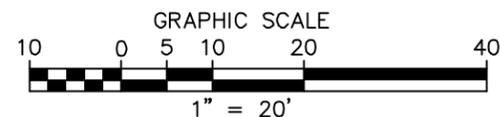
## US-TN-5021 TOWER "1" COMPOUND DETAIL



126.66' TALL  
GUYED TOWER ON  
A 1.5' X 1.5'  
CAISSON

### LEGEND

- : IRON PIPE (FOUND)
- : MONUMENT (FOUND)
- ⊗ : FENCE POST (FOUND)
- ⊗ : RAILROAD SPIKE (FOUND)
- : IRON PIN (FOUND)
- : IRON PIN (SET)
- P.O.B. : POINT OF BEGINNING
- P.O.C. : POINT OF COMMENCEMENT
- P.O.T. : POINT OF TERMINUS
- R.O.W. : RIGHT-OF-WAY
- C.M.P. : CURROGATED METAL PIPE
- N/A : NOT AVAILABLE
- x— : FENCE AS NOTED
- P— : OVERHEAD POWER LINES
- C— : CENTERLINE
- △ : TELCOM PEDESTAL
- Ⓟ : POWER POLE
- Ⓜ : UTILITY BOX
- ⊕ : AREA LIGHT
- Ⓢ : SEWER MANHOLE
- ⓈD : SATELLITE DISH



FAA 1-A TOWER LOCATION INFORMATION FOR US-TN-5021 - TOWER 1:  
126.66'± 1' GUYED TOWER  
ON A 0.3' TALL CONCRETE CAISSON

NAD 83  
LATITUDE = 35°11'41.12" N ± 20'  
LONGITUDE = 90°00'33.08" W ± 20'

GROUND ELEVATION AT BASE OF TOWER = 246.27' ± 3' NAVD88  
HEIGHT OF TOP OF TOWER ABOVE GROUND = 126.96'± 1'  
HEIGHT OF HIGHEST APPURTENANCE ABOVE GROUND = 373.23'± 1'

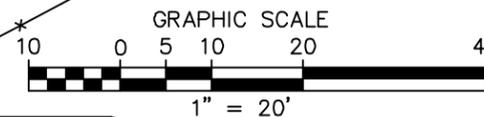
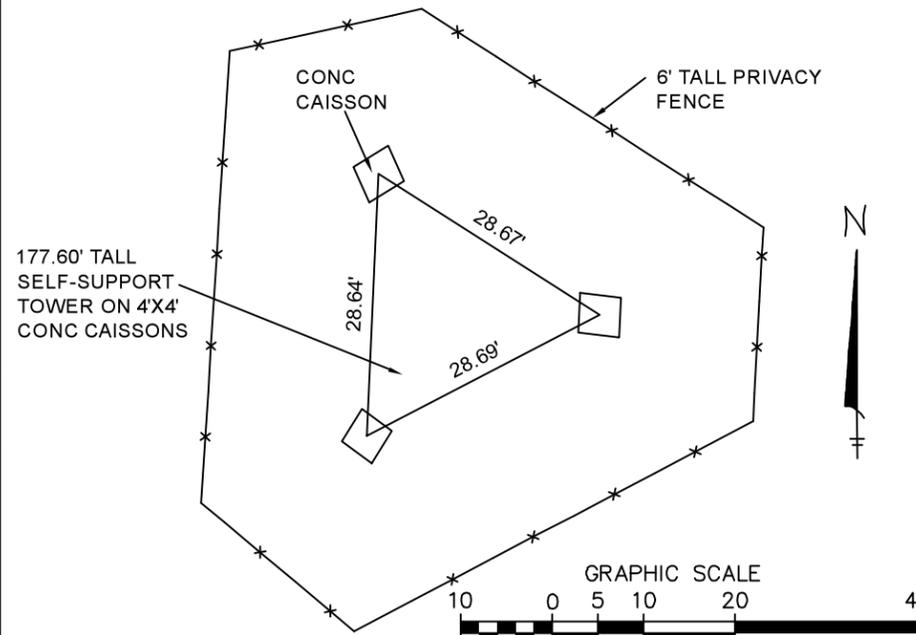
177.60' TALL  
SELF-SUPPORT  
TOWER ON 4'X4'  
CONC CAISSONS

FAA 1-A TOWER LOCATION INFORMATION FOR US-TN-5025 - TOWER 2:  
177.60'± 1' SELF-SUPPORT TOWER  
ON A 4.5' TALL CONCRETE CAISSON

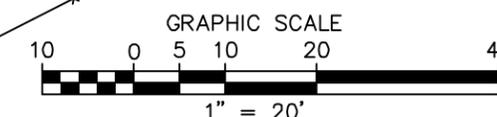
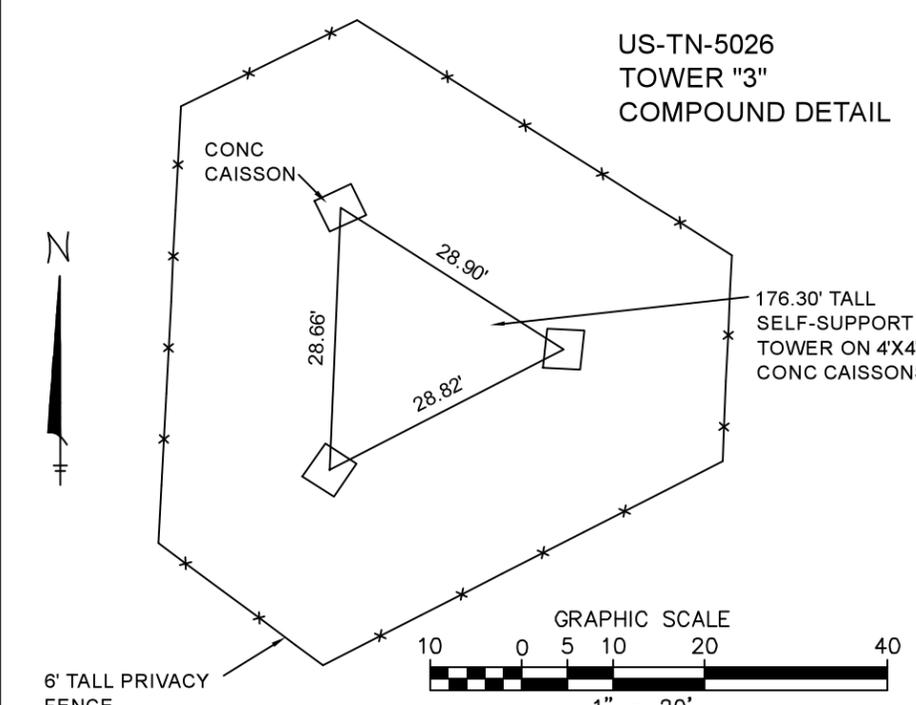
NAD 83  
LATITUDE = 35°11'43.23" N ± 20'  
LONGITUDE = 90°00'35.62" W ± 20'

GROUND ELEVATION AT BASE OF TOWER = 236.20' ± 3' NAVD88  
HEIGHT OF TOP OF TOWER ABOVE GROUND = 182.10'± 1'  
HEIGHT OF HIGHEST APPURTENANCE ABOVE GROUND = 418.30'± 1'

## US-TN-5025 TOWER "2" COMPOUND DETAIL



## US-TN-5026 TOWER "3" COMPOUND DETAIL



FAA 1-A TOWER LOCATION INFORMATION FOR US-TN-5026 - TOWER 3:  
176.30'± 1' SELF-SUPPORT TOWER  
ON 4.5' TALL CONCRETE CAISSONS

NAD 83  
LATITUDE = 35°11'39.54" N ± 20'  
LONGITUDE = 90°00'37.63" W ± 20'

GROUND ELEVATION AT BASE OF TOWER = 237.5' ± 3' NAVD88  
HEIGHT OF TOP OF TOWER ABOVE GROUND = 180.80'± 1'  
HEIGHT OF HIGHEST APPURTENANCE ABOVE GROUND = 418.30'± 1'

(7) CORRESPONDS WITH B-II ITEMS OF  
TITLE COMMITMENT ON PAGE 3

US-TN-5263 - WATKINS & I-40  
2531 N. WATKINS ST. MEMPHIS, TN 38127  
SHELBY COUNTY, TN  
TOWER EASEMENT PREMISES DESCRIPTION  
(AS SURVEYED)

Situated in Shelby County, Tennessee and being more particularly described as follows:

COMMENCING at concrete monument found at the southeast corner of the Vertical Bridge Landco LLC property (Inst. No. 17005237), said monument also being located in the westerly right-of-way of North Watkins Street, thence, North 30 degrees 18 minutes 07 seconds West, 121.11 feet to an iron pin (set), this being the TRUE POINT OF BEGINNING;

Thence, North 85 degrees 57 minutes 50 seconds West, 100.00 feet to an iron pin (set);

Thence, North 04 degrees 02 minutes 10 seconds East, 100.00 feet to an iron pin (set);

Thence, South 85 degrees 57 minutes 50 seconds East, 100.00 feet to an iron pin (set);

Thence, South 04 degrees 02 minutes 10 seconds West, 100.00 feet to the POINT OF BEGINNING, containing 10,000.00 square feet or 0.23 acres.

OWNER: VERTICAL BRIDGE LANDCO LLC  
TAX ID: 070028 00015  
DEED REFERENCE: INST. NO. 17005237

US-TN-5263 - WATKINS & I-40  
2531 N. WATKINS ST. MEMPHIS, TN 38127  
SHELBY COUNTY, TN  
30' ACCESS & UTILITY EASEMENT DESCRIPTION  
(AS SURVEYED)

Situated in Shelby County, Tennessee and being more particularly described as follows:

Being a thirty foot wide access and utility easement, at all times being fifteen feet on each side of and running parallel with the following described centerline:

COMMENCING at concrete monument found at the southeast corner of the Vertical Bridge Landco LLC property (Inst. No. 17005237), said monument also being located in the westerly right-of-way of North Watkins Street, thence, North 20 degrees 30 minutes 23 seconds West, 164.90 feet to a point, this being the TRUE POINT OF BEGINNING;

Thence, South 87 degrees 09 minutes 37 seconds East, 39.85 feet to a point;

Thence, with a curve to the left, having an arc length of 54.98 feet, a radius of 35.00 feet, a chord bearing of North 47 degrees 50 minutes 23 seconds East, a chord length of 49.50 feet to a point;

Thence, North 02 degrees 50 minutes 23 seconds East, 557.31 feet to a point;

Thence, North 00 degrees 27 minutes 21 seconds East, 39.41 feet to a point;

Thence, North 01 degrees 30 minutes 06 seconds West, 157.89 feet to a point;

Thence, North 05 degrees 37 minutes 35 seconds East, 77.16 feet to a point;

Thence, North 14 degrees 31 minutes 26 seconds East, 44.29 feet to a point;

Thence, North 30 degrees 30 minutes 03 seconds East, 22.85 feet to a point;

Thence, North 53 degrees 55 minutes 57 seconds East, 17.27 feet to a point;

Thence, North 77 degrees 21 minutes 57 seconds East, 29.93 feet to the POINT OF TERMINUS in the westerly right-of-way of North Watkins Street, a public right-of-way that varies, containing 31,228.79 square feet or 0.72 acres.

OWNER: VERTICAL BRIDGE LANDCO LLC  
TAX ID: 070028 00015  
DEED REFERENCE: INST. NO. 17005237

US-TN-5263 - WATKINS & I-40  
2531 N. WATKINS ST. MEMPHIS, TN 38127  
SHELBY COUNTY, TN  
TOWER PARCEL DESCRIPTION  
(AS SURVEYED)

Being a tract of land situated in Shelby County, Tennessee and being more particularly described as follows:

COMMENCING at a railroad spike (found) at the northeast corner of the Square Mile Investments Inc. property (Inst. No. 11013370), thence South 05 deg. 37 min. 53 sec. West, 379.48 feet to an iron pin (found) at the northeast corner of the Clear Channel Radio Inc. property (Inst. No. GL3914), this being the TRUE POINT OF BEGINNING;

Thence, with a curve to the left, having an arc length of 32.27 feet, a radius of 1,686.10 feet, a chord bearing of South 03 deg. 50 min. 52 sec. West, a distance of 32.27 feet to an iron pin (set);

Thence, South 03 deg. 24 min. 21 sec. West, 166.81 feet to an iron pin (set);

Thence, South 07 deg. 25 min. 32 sec. West, 175.41 feet to an iron pin (set);

Thence, South 03 deg. 24 min. 21 sec. West, 633.95 feet to an iron pin (found);

Thence, with a curve to the right, having an arc length of 156.18 feet, a radius of 311.31 feet, a chord bearing of South 17 deg. 46 min. 41 sec. West, a distance of 154.55 feet to a highway monument (found);

Thence, North 85 deg. 57 min. 50 sec. West, 1048.84 feet to an iron pin (set);

Thence, North 03 deg. 17 min. 16 sec. East, 1161.06 feet to an iron pin (set);

Thence South 85 deg. 49 deg. 15 sec. East, 1102.18 feet to the POINT OF BEGINNING. Containing 1,263,763.17 square feet, or 29.01 acres. According to a survey by Jeffrey A. Leopard, Dated March 23, 2015.

OWNER: VERTICAL BRIDGE LANDCO LLC  
TAX ID: 070028 00015  
DEED REFERENCE: INST. NO. 17005237

TITLE INSURANCE COMMITMENT NOTE:

I HAVE REVIEWED COMMITMENT FOR TITLE INSURANCE, UNDERWRITTEN BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, WITH AN EFFECTIVE DATE OF DECEMBER 29, 2014 AT 7:00 A.M. COMMITMENT NUMBER 01-14096948-01T, AND FIND AS FOLLOWS WITH RESPECT TO THE EXCEPTIONS LISTED IN SCHEDULE B-SECTION 2 OF SAID COMMITMENT:

- (1) FACTS WHICH WOULD BE DISCLOSED BY A COMPREHENSIVE SURVEY OF THE PREMISES HEREIN DESCRIBED. (BLANKET IN NATURE, NOT PLOTTABLE)
- (2) RIGHTS OR CLAIMS OF PARTIES IN POSSESSION OR RIGHTS OF TENANTS IN POSSESSION AS TENANTS ONLY UNDER UNRECORDED LEASES. (BLANKET IN NATURE, NOT PLOTTABLE)
- (3) MECHANICS', CONTRACTORS' OR MATERIAL MEN'S LIENS AND LIEN CLAIMS, IF ANY, WHERE NO NOTICE THEREOF APPEARS OF RECORD. (BLANKET IN NATURE, NOT PLOTTABLE)
- (4) ANY CHANGES IN TITLE OCCURRING SUBSEQUENT TO THE EFFECTIVE DATE OF THIS COMMITMENT AND PRIOR TO THE DATE OF ISSUANCE OF THE TITLE POLICY. (BLANKET IN NATURE, NOT PLOTTABLE)
- (5) TAXES AND SPECIAL ASSESSMENTS FOR CURRENT TAX YEAR DUE AND ALL SUBSEQUENT YEARS. (BLANKET IN NATURE, NOT PLOTTABLE)
- (6) DELETING FROM ANY INSTRUMENT IN THE PUBLIC RECORDS REFLECTED HEREIN, ANY COVENANT, CONDITION OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS OR NATIONAL ORIGIN TO THE EXTENT SUCH MATTERS VIOLATE 42 USC 3604(c). (BLANKET IN NATURE, NOT PLOTTABLE)

(7) EASEMENT CONTRACT IN FAVOR OF THE CITY OF MEMPHIS ACTING THROUGH THE MEMPHIS LIGHT, GAS AND WATER DIVISION, RECORDED 08/01/1974, AS DOCUMENT NO. J78042 OF THE SHELBY COUNTY RECORDS.

(7) CORRESPONDS WITH B-II ITEMS LOCATED ON DRAWING

# RAW LAND SURVEY

## SURVEYOR'S NOTES

1. BASIS OF BEARING, DEED AS RECORDED IN INSTRUMENT NO. GL3914, R.O.S.C.T.N.
2. NO SUBSURFACE INVESTIGATION WAS PERFORMED TO LOCATE UNDERGROUND UTILITIES. UTILITIES SHOWN HEREON ARE LIMITED TO AND ARE PER OBSERVED EVIDENCE ONLY.
3. AT THE TIME OF THIS SURVEY, THERE WERE NO VISIBLE ENCROACHMENTS AFFECTING THE LEASE AREA OR ANY VB EASEMENTS AND ALL ARE CONTAINED WHOLLY WITHIN THE PARENT TRACT PARCEL.
4. THE ACCESS/UTILITY EASEMENT GOES TO N. WATKINS STREET, A PUBLIC RIGHT OF WAY.
5. UNLESS OTHERWISE NOTED, ALL VISIBLE TOWER EQUIPMENT AND IMPROVEMENTS ARE CONTAINED WITHIN THE DESCRIBED AREA.
6. ZONING: N/A
7. FLOOD NOTE: THE TOWER AREA BEING LOCATED IN PANEL NO. 47157C0260F DOES NOT LIE IN AN AREA DESIGNATED AS A SPECIAL FLOOD HAZARD (ZONE "X") BEARING AN EFFECTIVE DATE OF 9-28-07, AS PER FEMA.GOV WEBSITE.

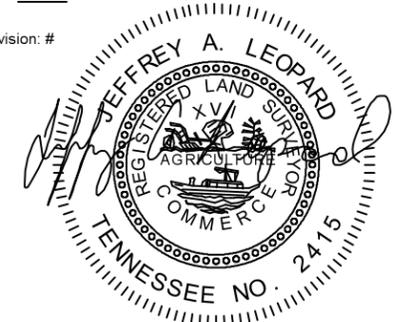
## SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY TO: Vertical Bridge REIT, LLC, a Delaware limited liability company, its subsidiaries, and their respective successors and/or assigns; Toronto Dominion (Texas) LLC, as Administrative Agent, for itself and on behalf of the lenders parties from time to time to that certain Second Amended and Restated Loan Agreement dated June 17, 2016 with Vertical Bridge Holdco, LLC, as borrower, and Vertical Bridge Holdco Parent, LLC, as parent, as may be amended, restated, modified or renewed, their successors and assigns as their interests may appear.

B2L HOME AND PROPERTY SOLUTIONS, LLC.  
JEFFREY A. LEOPARD  
LAND SURVEYOR - TN #2415

Date: 4-5-21

Revision: #



**verticalbridge**

**SITE NAME: WATKINS & I-40**  
**SITE NUMBER: US-TN-5263**  
**ADDRESS: 2531 N. WATKINS ST.**  
**MEMPHIS, TN 38127**  
**SHELBY COUNTY**

**SURVEY WORK PERFORMED BY:**

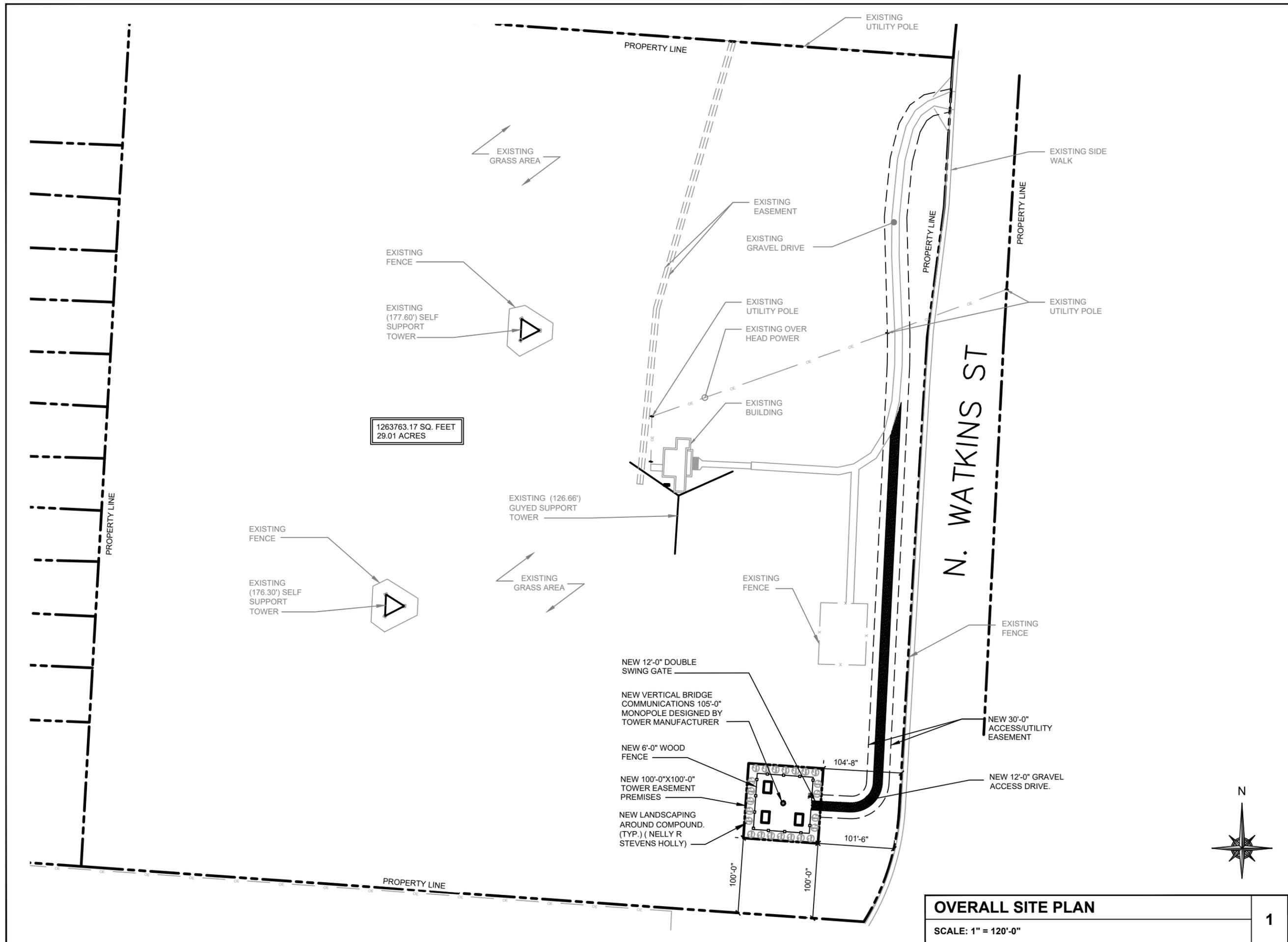


1198 OLD PINNACLE RD.  
JOELTON, TN 37080  
PHONE: (615) 212-5703  
E-MAIL: b2lhps@gmail.com  
www.b2lhps.com

DRAWN BY: CB      CHECKED BY: JL      JOB #:LS-1255

**NATIONAL SURVEY SERVICES COORDINATION BY:**

**GEOLINE SURVEYING, INC.**  
13430 NW 104th Terrace, Suite A  
Alachua, FL 32615  
Office: (386) 418-0500  
Fax: (386) 462-9986  
WWW.GEOLINEINC.COM



1263763.17 SQ. FEET  
29.01 ACRES

**OVERALL SITE PLAN**  
SCALE: 1" = 120'-0"



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EXPIRES: 04/30/23    SIGNED: 09/21/21

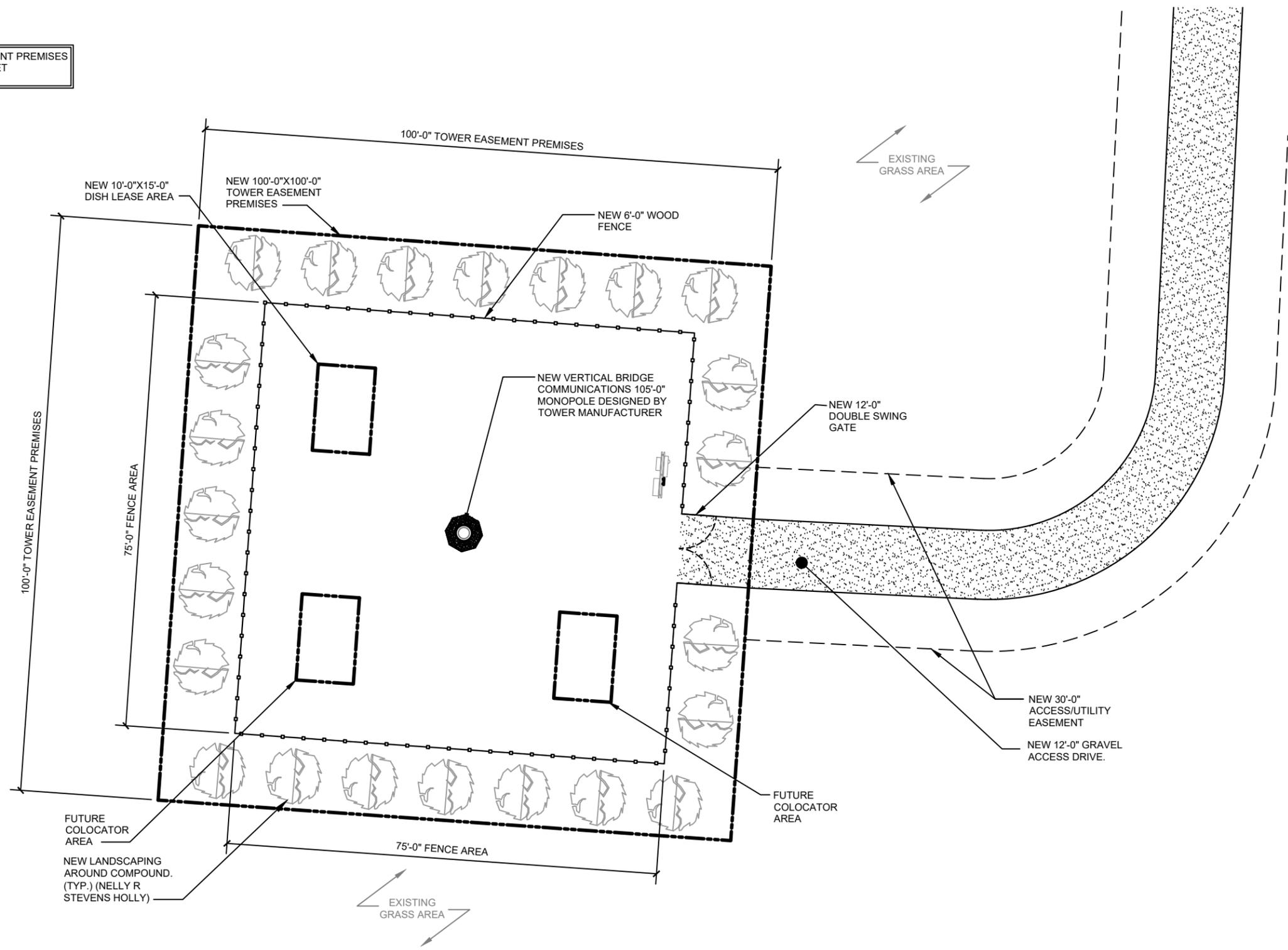
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△	FINAL ZONING DRAWING	05/14/21	BA
△	REVISE ZONING DRAWING	09/18/21	BA
△	FINAL ZONING DRAWING	09/21/21	BA

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ACCESSIBILITY CONSULTING \ STRUCTURAL

CHECK: AG  
DRAWN: BA  
JOB: 21007357

**Z-1**  
OVERALL SITE PLAN

TOWER EASEMENT PREMISES  
10000.00 SQ. FEET  
0.23 ACRES



**ENLARGED SITE PLAN**  
SCALE: 1" = 20'-0"  
**1**

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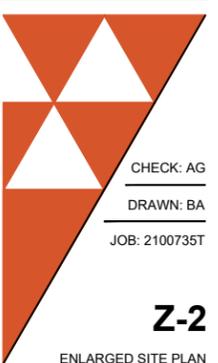
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WATKINS & I-40  
2531 N. WATKINS ST.  
MEMPHIS, TN 38127



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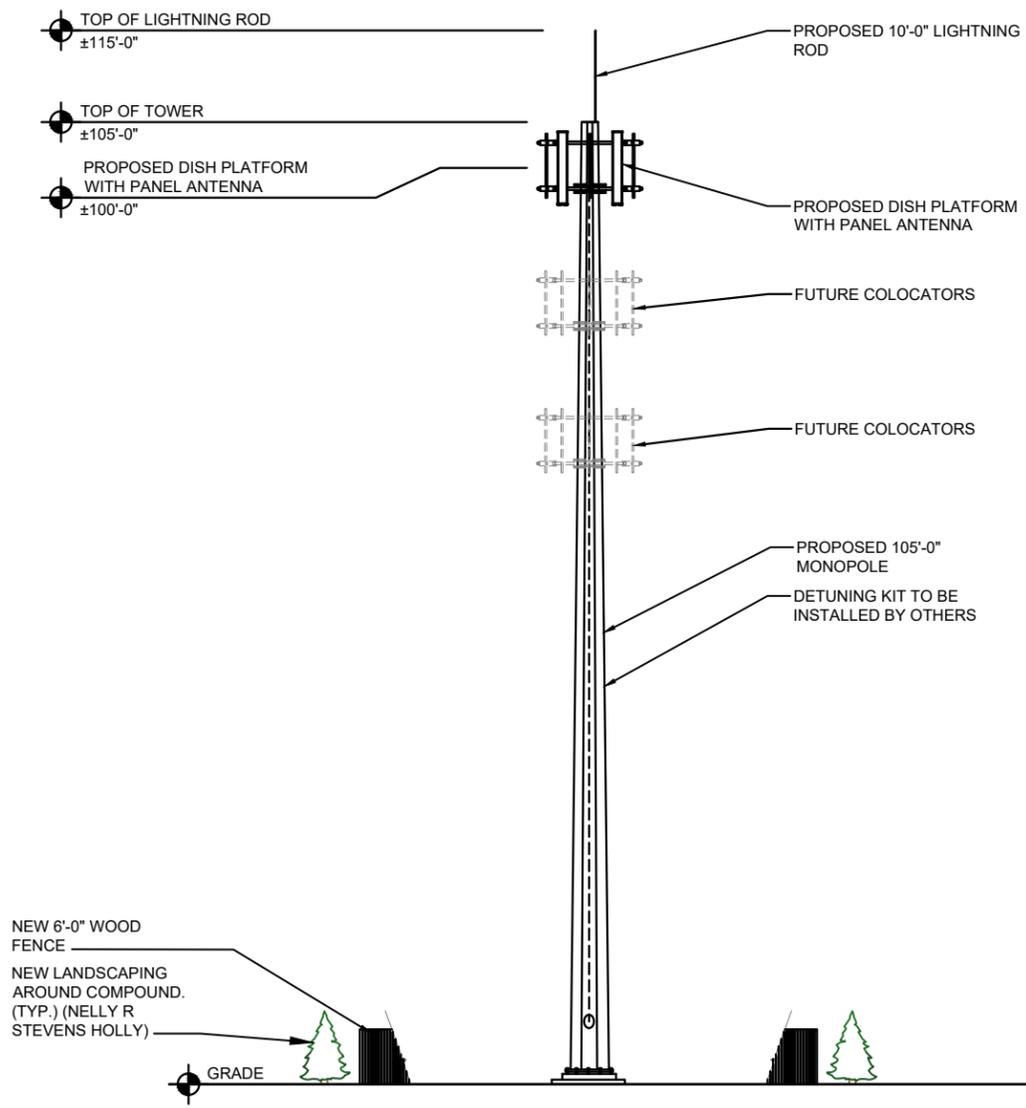
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ACCESSIBILITY CONSULTING \ STRUCTURAL



CHECK: AG  
DRAWN: BA  
JOB: 2100735T

**Z-2**

ENLARGED SITE PLAN



NOTE:  
 W-T'S SCOPE OF WORK DOES NOT INCLUDE A STRUCTURAL EVALUATION OF THIS TOWER OR STRUCTURE. NEW ANTENNAS AND EQUIPMENT SHOWN ON THIS PLAN HAVE NOT BEEN EVALUATED TO VERIFY THE TOWER OR STRUCTURE HAS THE CAPACITY TO ADEQUATELY SUPPORT THESE ANTENNAS. PRIOR TO ANY ANTENNA OR EQUIPMENT INSTALLATION, A STRUCTURAL EVALUATION OF THE TOWER OR STRUCTURE, INCLUDING ALL ANTENNA MOUNTING SYSTEMS & HARDWARE SHALL BE PERFORMED.

NOTE:  
 PRIOR TO CONSTRUCTION CONTRACTOR TO VERIFY FAA REQUIREMENTS FOR LIGHTING TOWER

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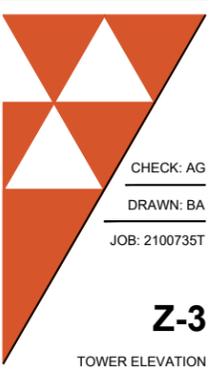
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△	REVISE ZONING DRAWING	09/18/21	BA
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 DRAWN: BA  
 JOB: 2100735T

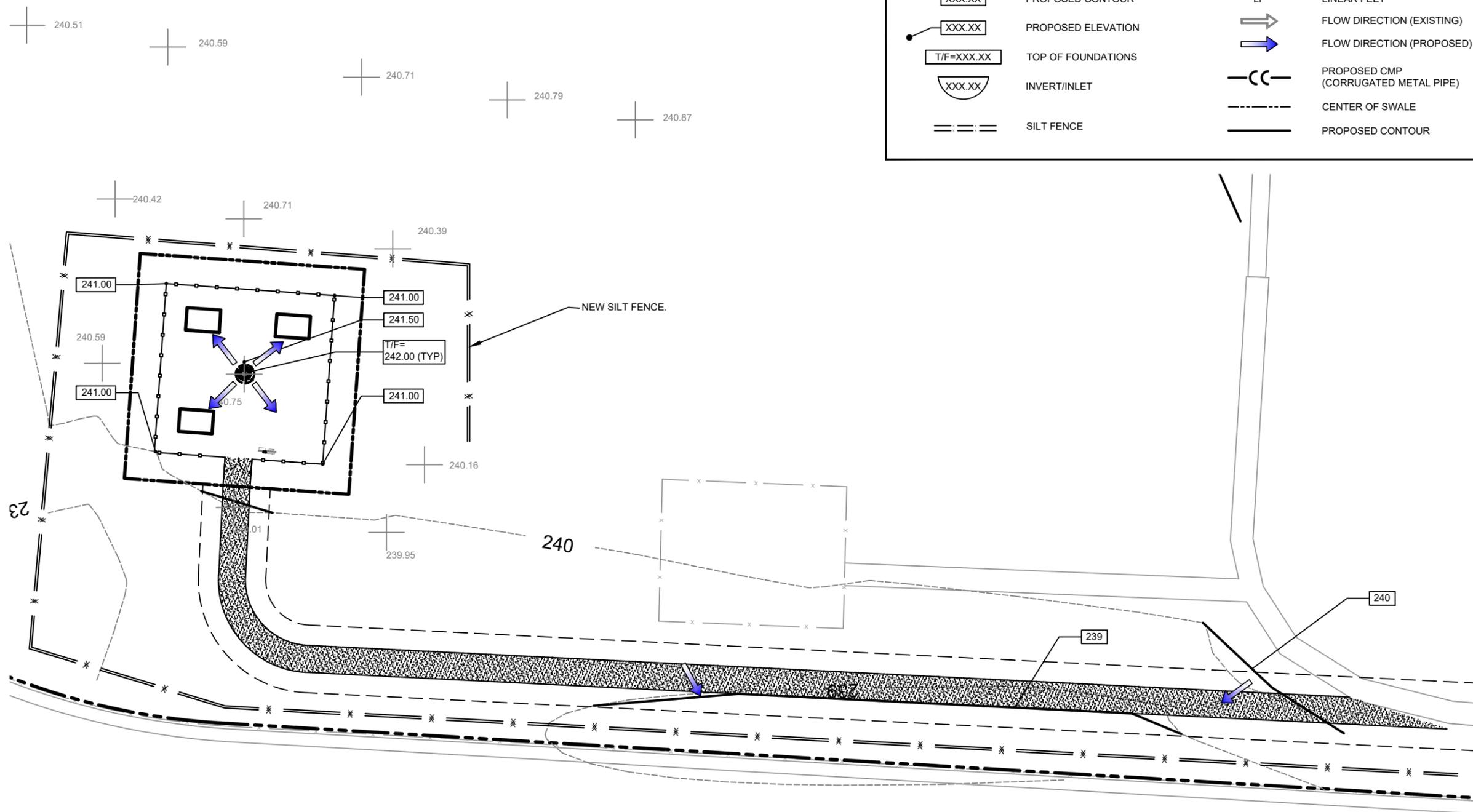
**TOWER ELEVATION**  
 SCALE: 1" = 40'-0"

1

**Z-3**  
 TOWER ELEVATION

**LEGEND**

	PROPOSED CONTOUR		LINEAR FEET
	PROPOSED ELEVATION		FLOW DIRECTION (EXISTING)
	TOP OF FOUNDATIONS		FLOW DIRECTION (PROPOSED)
	INVERT/INLET		PROPOSED CMP (CORRUGATED METAL PIPE)
	SILT FENCE		CENTER OF SWALE
			PROPOSED CONTOUR



N. WATKINS ST



<b>GRADING PLAN</b>	<b>1</b>
SCALE: 1" = 50'-0"	

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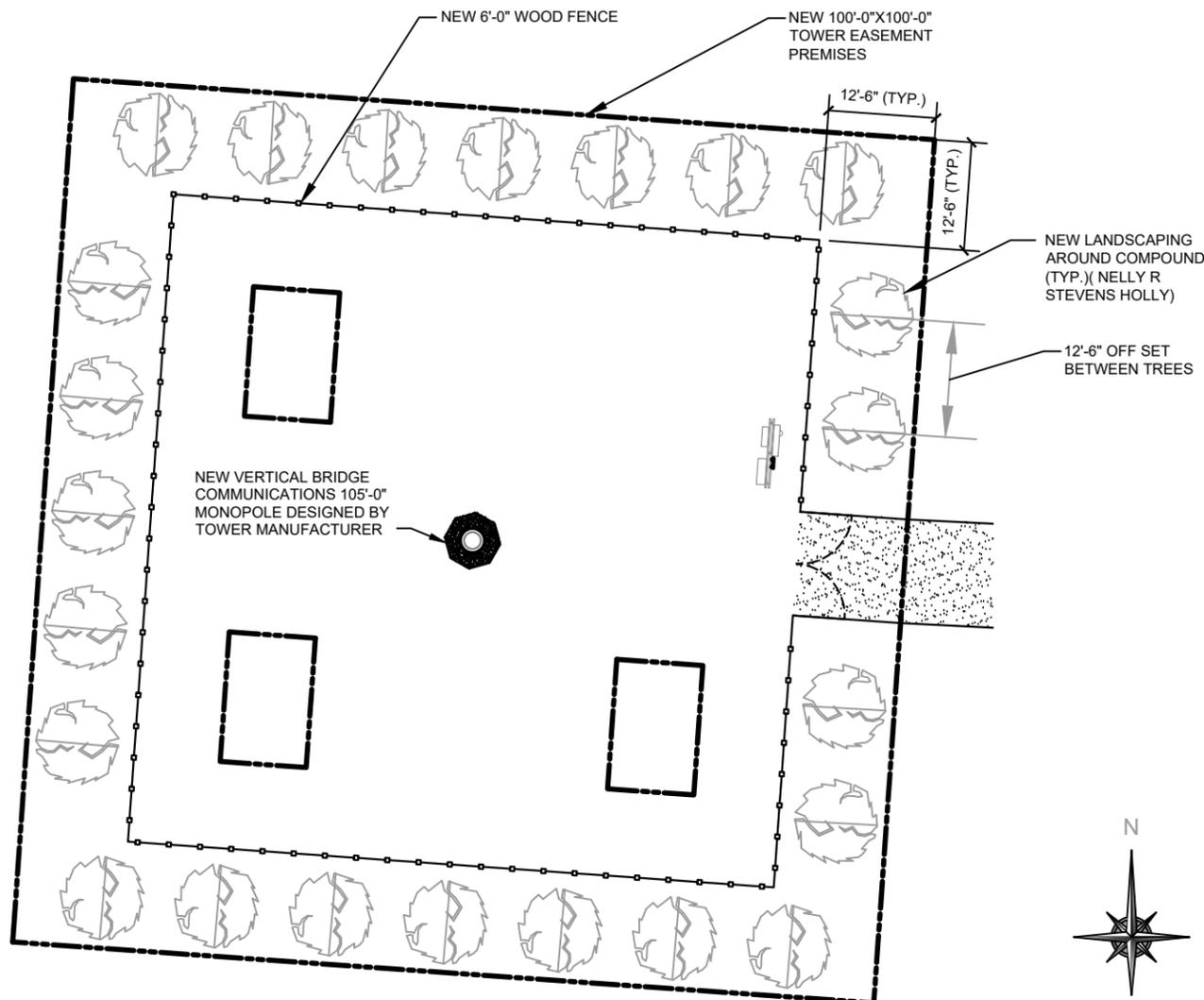
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△	FINAL ZONING DRAWING	09/21/21	BA

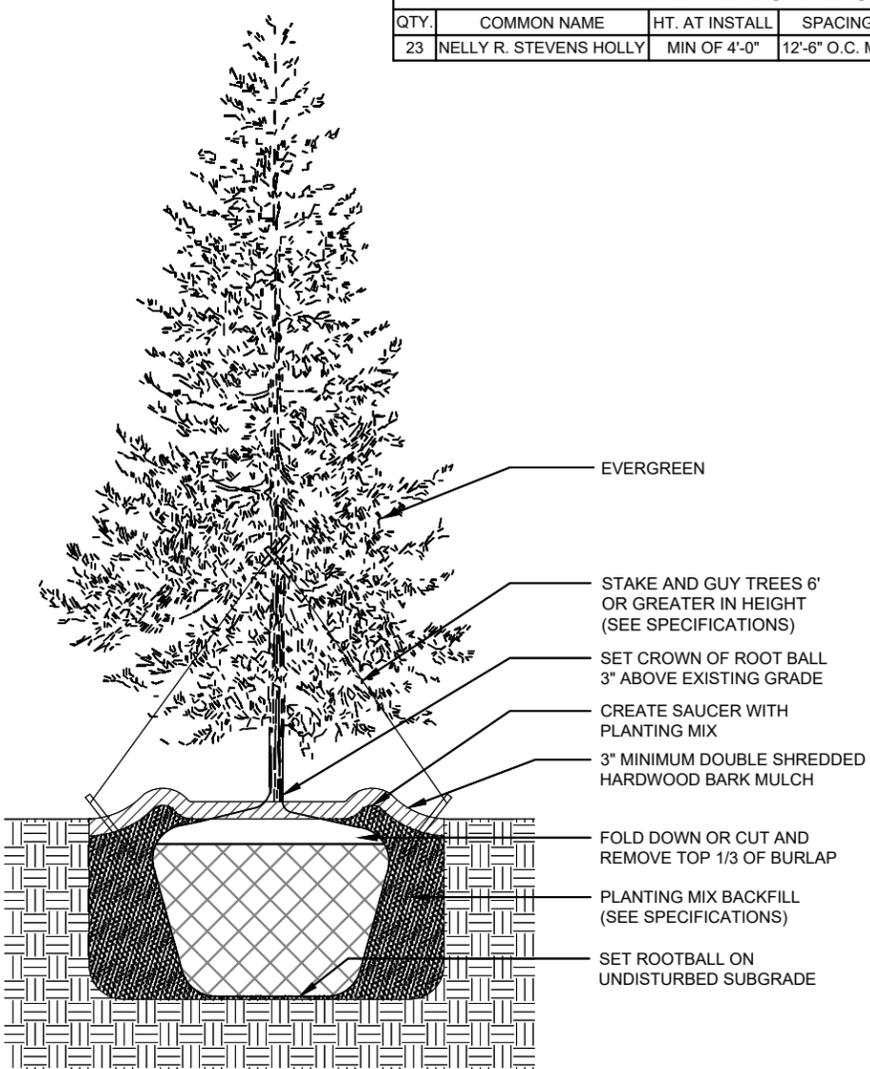
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CHECK: AG  
DRAWN: BA  
JOB: 2100735T

**Z-4**  
GRADING PLAN



**LANDSCAPE PLAN**  
SCALE: 1" = 15'-0"  
1



**LANDSCAPE DETAIL**  
SCALE: NONE  
2

LANDSCAPE CHART					
QTY.	COMMON NAME	HT. AT INSTALL	SPACING	ROOTBALL	OVERALL PROJECTED WIDTH
23	NELLY R. STEVENS HOLLY	MIN OF 4'-0"	12'-6" O.C. MIN	B/B	10'-0"

NOTE:  
ALL MATERIALS SURROUNDING THE TREE ROOT BALL, INCLUDING WIRING, ARE TO BE REMOVED PRIOR TO PLANTING OF TREES.

NOTE:  
LANDLORD RESPONSIBLE FOR MAINTAINING AND WATERING ALL LANDSCAPE AFTER INSTALLATION

**LANDSCAPING GENERAL NOTES:**

- ALL PLACEMENT OF LANDSCAPING SHALL MEET THE FOLLOWING CONDITIONS:
- ALL PLANT MATERIAL SHALL BE PLANTED IN A MANNER WHICH IS NOT TO INTERFERE WITH OVERHEAD WIRES OR BE INTRUSIVE TO UTILITIES OR PAVEMENT.
  - NO TREES OR OTHER LANDSCAPING SHALL BE LOCATED CLOSER THAN 10 FEET TO A FIRE HYDRANT OR OTHER ABOVE GROUND UTILITIES.
  - NO LANDSCAPING SHALL INTERFERE WITH SITE REQUIREMENTS FOR SAFE INGRESS AND EGRESS.
- INSTALLATION STANDARDS:
- PLANT MATERIAL SHALL CONFORM WITH THE CURRENT AMERICAN STANDARDS FOR NURSERY STOCK, PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMEN FOR THAT TYPE OF TREE OR SHRUB AT THE TIME OF INSTALLATION.
  - ALL PLANT MATERIAL SHALL BE INSTALLED FREE OF DISEASE AND IN A MANNER THAT ENSURES THE AVAILABILITY OF SUFFICIENT SOIL AND WATER TO SUSTAIN HEALTHY GROWTH.
  - ALL TAGS, WIRES, PLASTIC TIES AND ROPE SHALL BE CUT FROM EACH TREE TO PREVENT GIRDLING OF THE TREE. THE BURLAP SHALL BE PULLED BACK FROM THE UPPER THIRD OF THE ROOTBALL. IF A PLASTIC 'BURLAP' IS USED, IT SHALL BE REMOVED IN ITS ENTIRETY FROM THE ROOTBALL.
  - ALL PLANT MATERIAL SHALL BE PLANTED WITH A MINIMUM OF DEPTH OF THREE (3) INCHES OF MULCHED MATERIAL AND A DIAMETER OF THREE (3) FEET AROUND THE BASE OF THE TREE.

- TREES SHALL BE STAKED WITH POSTS AND NOT STAKES IN AREAS OF HIGH WIND FOR ONE TO THREE YEARS TO ALLOW THE GROWTH OF PROPOSED ROOTS TO STABILIZE. ALL ROPES SHALL BE COVERED TO PREVENT CUTTING INTO THE BARK.
  - ANY EXCESS SOIL, CLAY, OR CONSTRUCTION DEBRIS SHALL BE REMOVED FROM THE PLANTING SITE, PRIOR TO PLANTING OF INDIVIDUAL TREES AT FINAL GRADE.
  - THE JURISDICTION, AT ITS DISCRETION, HAS THE RIGHT TO RETAIN A PROFESSIONAL LANDSCAPE ARCHITECT OR ARBORIST TO REVIEW SUBMITTED LANDSCAPE PLAN AND THE PROFESSIONAL LANDSCAPE ARCHITECT OR ARBORIST WILL SUBMIT A WRITTEN REPORT TO THE PLANNING AND ZONING COMMISSION. ALL EXPENSES INCURRED BY THE JURISDICTION FOR THE USE OF THE LANDSCAPE ARCHITECT OR ARBORIST SHALL BE REIMBURSED BY THE DEVELOPER.
- PLANTING SEASONS:
- PLANTS MUST BE PLANTED DURING THE FOLLOWING DATES: APRIL 1ST TO MAY 15TH AND SEPTEMBER 1ST TO OCTOBER 1ST.
  - THE PLANTING PERIODS INDICATED MAY BE EXTENDED DUE TO WEATHER CONDITIONS OR OTHER FACTORS, WHICH MUST BE APPROVED BY THE LANDSCAPE ARCHITECT/ENGINEER.
  - THE CONTRACTOR WILL BE RELIEVED FOR HIS GUARANTEE RESPONSIBILITY SHOULD THE OWNER REQUIRE PLANT MATERIAL INSTALLATIONS TO BE COMPLETED DURING OTHER TIMES THAN THE PLANTING PERIODS INDICATED.

- PLANTING:
- ALL SHADE TREES, ORNAMENTAL TREES, EVERGREEN TREES AND SHRUBS SHALL BE PLANTED IN HOLES EXCAVATED AT LEAST 3x THE WIDTH OF THE DIAMETER OF THE BALL OR CONTAINER AND DEEP ENOUGH SO THAT THE TOP OF THE BALL OR SOIL IN THE CONTAINER IS AT OR JUST ABOVE EXISTING GRADE.
  - ALL TWINE OR ROPE MUST BE CUT AND REMOVED AND THE BURLAP FOLDED AWAY FROM THE TOP OF THE BALL. THE EXCAVATION MUST BE BACKFILLED WITH THE PLANTING MIXTURE AND WATERED. ANY SETTLEMENT WILL BE FILLED WITH PLANTING MIXTURE.
  - A 4" DEEP SAUCER, SIMILAR TO THE DIAMETER OF THE PLANTING HOLE SHALL BE CREATED USING PLANTING MIX.
  - PLANTING MIX TO CONSIST OF 1/3 TOP SOIL, 1/3 SOIL FROM EXCAVATION, AND 1/3 MUSHROOM COMPOST (OR 1/3 PEAT MOSS).
- CLEAN UP:
- ALL DEBRIS GENERATED DURING THE INSTALLATION OF PLANT MATERIALS MUST BE REMOVED FROM THE SITE.
  - ALL PAVEMENTS AND WALKS MUST BE SWEEPED AFTER EACH DAYS WORK. UPON COMPLETION OF THE WORK, ALL PAVEMENTS MUST BE WASHED TO REMOVE ALL MUD OR DIRT.

**LANDSCAPE NOTES**  
SCALE: NONE  
3

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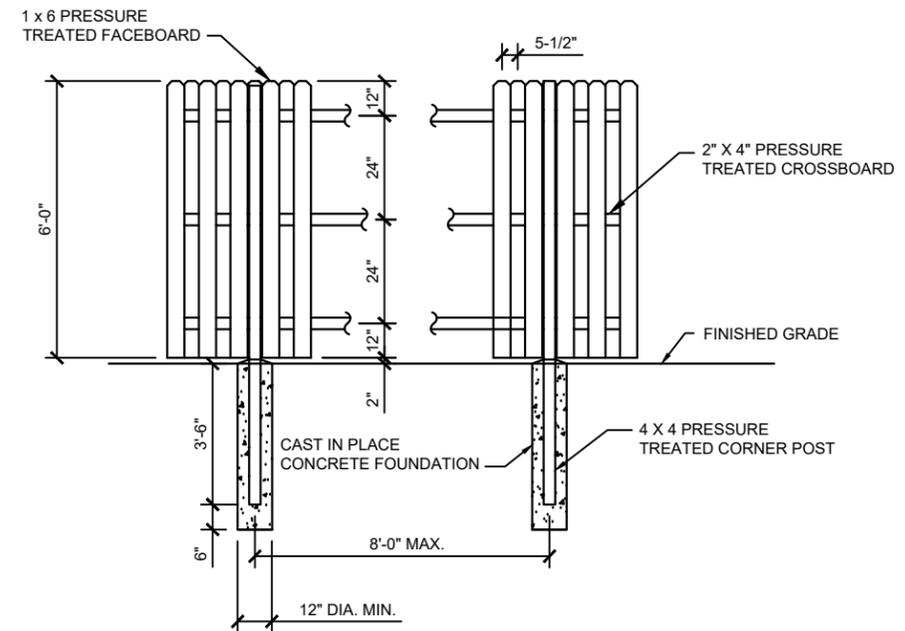
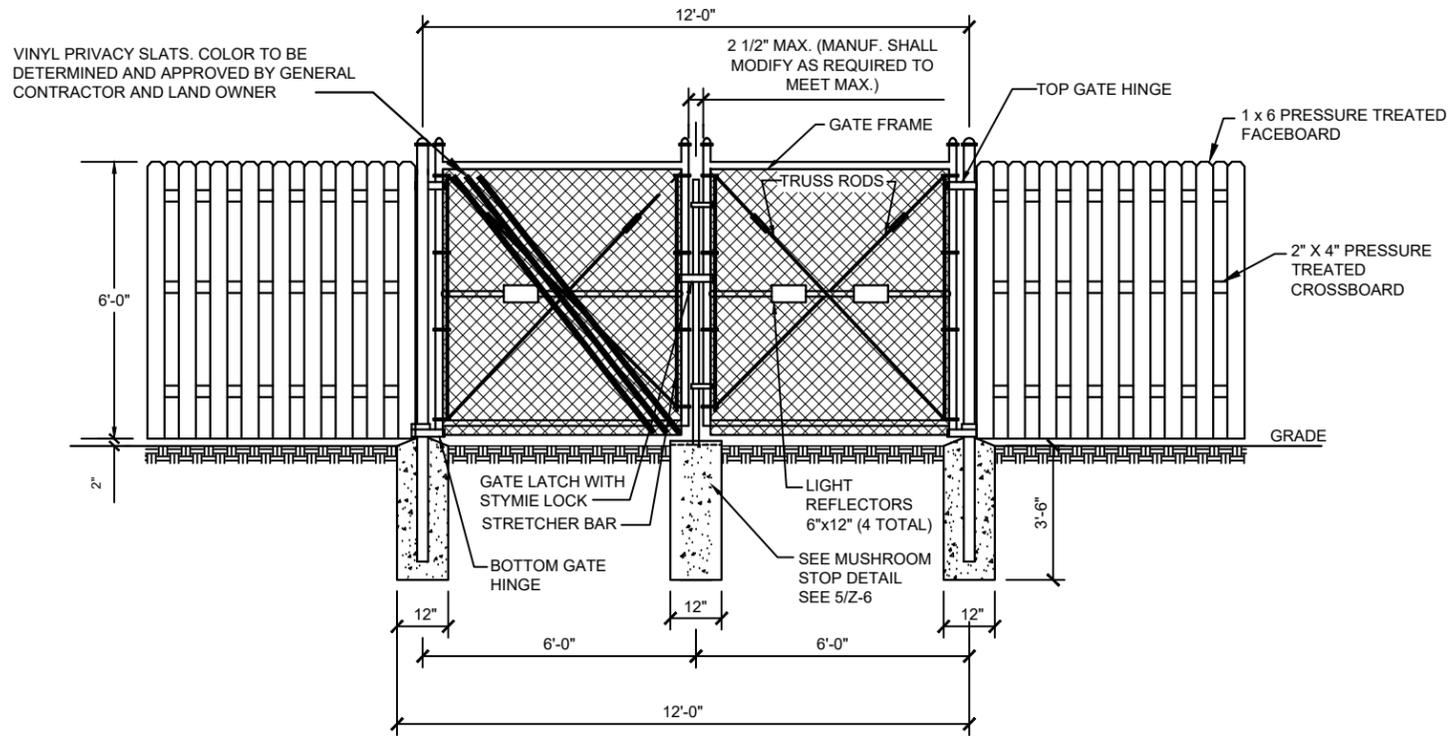
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Z-5

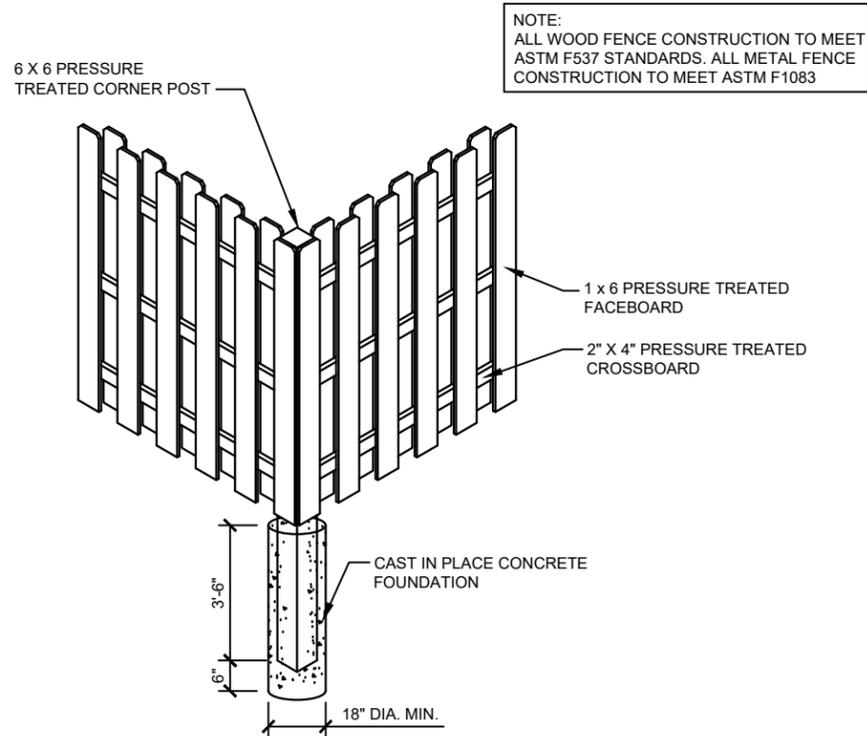
LANDSCAPE PLAN,  
DETAILS AND NOTES



NOTE:  
ALL WOOD COMPONENTS TO BE PRESSURE TREATED UNLESS NOTED OTHERWISE AND ALL METAL COMPONENTS TO BE CORROSION RESISTANT AND COMPATIBLE WITH TREATED LUMBER.

**GATE & FENCE ELEVATION**  
SCALE: NONE

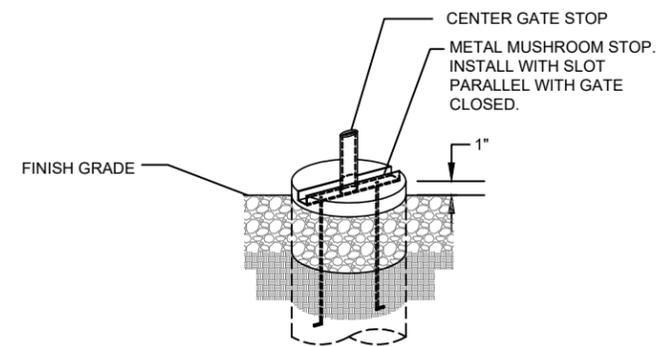
**FENCE DETAIL SECTION**  
SCALE: NONE



NOTE:  
ALL WOOD FENCE CONSTRUCTION TO MEET ASTM F537 STANDARDS. ALL METAL FENCE CONSTRUCTION TO MEET ASTM F1083

**FENCE CORNER DETAIL**  
SCALE: NONE

**NOT USED**  
SCALE: NONE



**MUSHROOM STOP DETAIL**  
SCALE: NONE

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**Z-6**  
FENCE DETAILS

**CITY OF MEMPHIS  
COUNCIL AGENDA CHECK OFF SHEET**

**ONE ORIGINAL  
ONLY STAPLED  
TO DOCUMENTS**

**Planning & Development  
DIVISION**

Planning & Zoning COMMITTEE: 11/16/2021  
DATE  
PUBLIC SESSION: 11/16/2021  
DATE

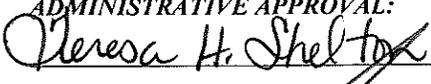
ITEM (CHECK ONE)  
 ORDINANCE      \_\_\_\_\_ CONDEMNATIONS      \_\_\_\_\_ GRANT ACCEPTANCE / AMENDMENT  
 \_\_\_\_\_ RESOLUTION      \_\_\_\_\_ GRANT APPLICATION       REQUEST FOR PUBLIC HEARING  
 \_\_\_\_\_ OTHER: \_\_\_\_\_

ITEM DESCRIPTION:      An ordinance approving a zoning change  
 CASE NUMBER:              Z 21-10  
 DEVELOPMENT:              Sara Holmes Property, 0 Tchulahoma Road  
 LOCATION:                  West side of Tchulahoma, about 1900 feet south of Aquarius  
 COUNCIL DISTRICTS:      District 3 and Super District 8 – Positions 1, 2, and 3  
 OWNER/APPLICANT:      Sarah Holmes et al./TPA Ventures  
 REPRESENTATIVES:      Dedrick Brittenum, Jr  
 EXISTING ZONING:        Conservation Agriculture (CA)  
 REQUEST:                    Employment (EMP)  
 AREA:                        +/-81.71 acres (this includes parcels 09400 00142 (72.65 acres), 094400 00143 (.66 acres) & 094100 00117 (4.4 acres) to the south and 094400 00133 (4.0 acres) to the north  
 RECOMMENDATION:      The Division of Planning and Development recommended *Approval*  
    The Land Use Control Board recommended *Approval*

RECOMMENDED COUNCIL ACTION: **Public Hearing Required**  
 Set date for first reading – October 19, 2021  
 Second reading – November 2, 2021  
 Third reading – November 16, 2021

PRIOR ACTION ON ITEM:  
 (1) \_\_\_\_\_ APPROVAL - (1) APPROVED (2) DENIED  
09/09/2021 \_\_\_\_\_ DATE  
 (1) Land Use Control Board \_\_\_\_\_ ORGANIZATION - (1) BOARD / COMMISSION  
    (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:  
 (2) \_\_\_\_\_ REQUIRES CITY EXPENDITURE - (1) YES (2) NO  
 \$ \_\_\_\_\_ AMOUNT OF EXPENDITURE  
 \$ \_\_\_\_\_ REVENUE TO BE RECEIVED  
 SOURCE AND AMOUNT OF FUNDS  
 \$ \_\_\_\_\_ OPERATING BUDGET  
 \$ \_\_\_\_\_ CIP PROJECT # \_\_\_\_\_  
 \$ \_\_\_\_\_ FEDERAL/STATE/OTHER

ADMINISTRATIVE APPROVAL:	DATE	POSITION
	10/4/21	PRINCIPAL PLANNER
	Oct 9 2021	DEPUTY ADMINISTRATOR
_____	_____	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	CHIEF ADMINISTRATIVE OFFICER
_____	_____	COMMITTEE CHAIRMAN



## Memphis City Council Summary Sheet

### *Z 21-10*

Zoning Ordinance approving a zoning district reclassification for the subject property located at Sara Holmes Property, 0 Tchulahoma Road:

- This item is an ordinance for reclassification from Conservation Agriculture (CA) to Employment (EMP) at the aforementioned location; and
- Approval of this zoning district reclassification will be reflected on the Memphis and Shelby Counting Zoning Atlas; and
- No contracts are affected by this item; and
- No expenditure of funds/budget amendments are required by this item.

**ORDINANCE NO: \_\_\_\_\_**

**ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF THE CODE OF ORDINANCES, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, SO AS TO MAKE CERTAIN CHANGES IN THE USE DISTRICTS PROVIDED IN SAID ORDINANCE**

---

**WHEREAS**, a proposed amendment to the Memphis and Shelby County Unified Development Code, being Ordinance No. 5367 of the Code of Ordinances, City of Memphis, Tennessee, as amended, has been submitted to the Memphis and Shelby County Land Use Control Board for its recommendation, designated as **Case Number: Z 21-10**; and

**WHEREAS**, the Memphis and Shelby County Land Use Control Board has filed its recommendation and the Division of Planning and Development has filed its report and recommendation with the Council of the City of Memphis; and

**WHEREAS**, the Council of the City of Memphis has reviewed the aforementioned amendment pursuant to Tennessee Code Annotated Section 13-4-202(B)(2)(B)(iii) and has determined that said amendment is consistent with the Memphis 3.0 General Plan; and

**WHEREAS**, the provisions of the Code of Ordinances, City of Memphis, Tennessee, as amended, relating to the proposed amendment, have been complied with.

**NOW THEREFORE, BE IT ORDAINED, BY THE COUNCIL OF THE CITY OF MEMPHIS:**

**SECTION 1:**

**THAT**, the Memphis and Shelby County Unified Development Code, Ordinance No. 5367 of the Code of Ordinances, City of Memphis, as amended, be and the same hereby is amended with respect to Use Districts, as follows:

**BY TAKING THE FOLLOWING PROPERTY OUT OF THE CONSERVATION AGRICULTURE (CA) USE DISTRICT AND INCLUDING IT IN THE EMPLOYMENT (EMP) USE DISTRICT.**

The following property located in the City of Memphis, Tennessee being more particularly described as follows:

**COMBINATION LEGAL DESCRIPTION OF ALL 4 PARCELS**

BEING A DESCRIPTION OF PART OF THE EULA HOLMES SANDERS, et al, PROPERTY DESCRIBED IN QUIT CLAIM INSTRUMENT NO. ED 7131, THE JEAN VARGO, et vir, PROPERTY DESCRIBED IN WARRANTY DEED INSTRUMENT NO. 2012478 AND THE MIGUEL MONTOYA WARRANTY DEED INSTRUMENT NO. 19122543 ALL OF RECORD IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE AND ALL BEING LOCATED IN MEMPHIS, SHELBY COUNTY TENNESSEE AND BEING MORE PARTICULARLY DESCRIBED AS FOLOWS:

BEGINNING AT A SURVEYORS NAIL FOUND AT THE INTERSECTION OF THE CENTER OF TCHULAHOMA ROAD AND THE ACCEPTED TENNESSEE/ MISSISSIPPI STATE LINE AS PLATTED AND SAID POINT BEING THE SOUTHEAST CORNER OF SAID VARGO TRACT WITH TENNESSEE STATE PLANE COORDINATE SYSTEM VALUES (NAD 83) OF 264743.96 NORTH AND 783873.93 EAST; THENCE NORTH 87 DEGREES, 03 MINUTES, 27 SECONDS WEST ALONG THE ACCEPTED TENNESSEE/MISSISSIPPI STATE LINE 730.51 FEET TO THE SOUTHWEST CORNER OF SAID VARGO TRACT AND BEING THE SOUTHEAST CORNER OF THE REMAINDER OF SAID SANDERS TRACT; THENCE NORTH 87 DEGREES, 02 MINUTES, 20 SECONDS WEST ALONG THE SOUTH LINE OF SAID SANDERS TRACT AND THE ACCEPTED TENNESSEE/MISSISSIPPI STATE LINE A DISTANCE OF 1481.68 FEET TO AN IRON PIN SET BEING THE SOUTHEAST CORNER OF THE MEMPHIS AND SHELBY COUNTY AIRPORT AUTHORITY TRACT RECORDED IN WARRANTY DEED INSTRUMENT NO. FK6971. THENCE ALONG THE EASTERLY LINE OF SAID AIRPORT TRACT AND WEST LINE OF SAID SANDERS TRACT NORTH 02 DEGREES, 07 MINUTES, 52 SECONDS EAST FOR A DISTANCE OF 1126.83 FEET TO AN IRON PIN SET AT THE SOUTHWEST CORNER OF THE DUNHAM & YOW INVESTMENTS TRACT AS RECORDED IN INSTRUMENT NO. GW 8876; THENCE SOUTH 87 DEGREES, 11 MINUTES, 57 SECONDS EAST ALONG THE SOUTH LINE OF SAID YOW TRACT AND THE NORTH LINE OF SAID SANDERS TRACT A DISTANCE OF 1593.70 FEET TO THE NORTHWEST CORNER OF THE MIGUEL MONTOYA TRACT AS RECORDED IN WARRANTY DEED OF RECORD IN INSTRUMENT NO. 19122543; THENCE SOUTH 87 DEGREES 22 MINUTES 39 SECONDS EAST ALONG MONTOYA'S NORTH LINE 861.85 FEET TO THE WEST LINE OF TCHULAHOMA ROAD PER THE MONTYOYA DEED; THENCE SOUTH 02 DEGREES, 37 MINUTES, 21 SECONDS WEST ALONG SAID LINE 200.00 FEET TO AN OFFSET POINT BEING AT THE SOUTHEAST CORNER OF SAID MONTOYA TRACT AND IN THE NORTH LINE OF THE SAID SANDER'S TRACT; THENCE SOUTH 87 DEGREES 07 MINUTES 13 SECONDS EAST ALONG THE NORTH LINE OF SAID SANDER'S TRACT 32.89 TO A NAIL SET IN THE CENTER OF TCHULAHOMA ROAD; THENCE ALONG THE CENTER OF TCHULAHOMA ROAD THE FOLLOWING COURSES: SOUTH 10 DEGREES 44 MINUTES, 22 SECONDS WEST FOR A DISTANCE OF 174.16 FEET; THENCE, SOUTH 13 DEGREES 00 MINUTES 09 SECONDS WEST FOR A DISTANCE OF 653.70 FEET; THENCE SOUTHWARDLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 3336.72 FEET, LENGTH OF 206.46 FEET, AND DELTA ANGLE OF 3°32'43" (CHORD BEARING AND DISTANCE = SOUTH 14 DEGREES, 46 MINUTES, 30 SECONDS WEST 206.42 FEET TO THE NORTHEAST CORNER OF SAID VARGO TRACT; THENCE, CONTINUING ALONG THE EAST LINE OF THE VARGO TRACT AND APPROXIMATE CENTER OF TCHULAHOMA ROAD THE FOLLOWING 3 COURSES: SOUTH 15 DEGREES, 17 MINUTES, 30 SECONDS WEST 23.19 FEET; SOUTH 17 DEGREES, 11 MINUTES, 27 SECONDS 123. 80 FEET; SOUTH 18 DEGREES, 09 MINUTES, 27 SECONDS WEST 150.20 FEET TO THE POINT OF BEGINNING.

CONTAINING 3,559,238 SQUARE FEET OR 81.71 ACRES, MORE OR LESS, SUBJECT TO THE PUBLIC RIGHT-OF-WAY ALONG TCHULAHOMA ROAD.

NOTES:

ALL DEED REFRENCES ARE RECORDED IN THE REGIISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

BEARINGS ARE BASED UPON THE TENNESSEE STATE PLANE GRID COORDINATE SYSTEM (NAD83).

**SECTION 2:**

**THAT**, the Zoning Administrator of the Division of Planning and Development be, and is hereby directed to make the necessary changes in the Official Use District Maps to conform to the changes herein made; that all official maps and records of the Memphis and Shelby County Land Use Control Board and the City of Memphis be, and they hereby are, amended and changed so as to show the aforementioned amendment of the said Zoning Ordinance.

**SECTION 3:**

**THAT**, this ordinance take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the comptroller, and become effective as otherwise provided by law.

**ATTEST:**

**CC: Division of Planning and Development  
– Land Use and Development Services  
– Office of Construction Enforcement  
Shelby County Assessor**

# PLOT PLAN (ALL 4 PARCELS)



PLOT PLAN			
SARA HOLMES, EULA HOLMES SANDERS AND JERRY SANDERS TRACT, MIGUEL MONTOYA TRACT AND JEAN & JAMES VARGO TRACT			
MEZ/HE/TE/NE/SEE			
WARD: 1	IF LOTS: 4	AREA: 81.71 AC	MAP/FILE: 400 PARCELS, 133,192, 133,193, 133,194
FILE: 1778	PLAT: HEATHREE STREET NW	OWNER: JULIENNE FEW, INC.	6355 POPLAR AVENUE
SITE: 700	ATLANTA, GA 30306	SITE: 300	MEMPHIS, TN 38119
RE: 05-11-R-000-144-000	FILE: 44-744-EL-10	FILE: MAP DATE: 05/28/2021	
DATE: SEP 2021	SCALE: 1" = 150'	SHEET 1 OF 1	

**RECORDING STAMPS**

## ***LAND USE CONTROL BOARD RECOMMENDATION***

At its regular meeting on *Thursday, September 9, 2021*, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

**CASE NUMBER:** Z 21-10

**LOCATION:** West side of Tchulahoma, about 1900 feet south of Aquarius

**COUNCIL DISTRICT(S):** District 3, Super District 8 – Positions 1, 2, and 3

**OWNER/APPLICANT:** Sarah Holmes et al./TPA Ventures

**REPRESENTATIVE:** Dedrick Brittenum, Jr

**REQUEST:** Employment (EMP) District

**EXISTING ZONING:** Conservation Agriculture (CA) District

**AREA:** +/-81.76 acres (this includes parcels 094400 00143 (.66 acres) & 094100 00117 (4.4 acres) to the south and 094400 00133 (4.4 acres) to the north

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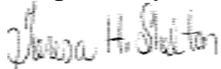
**The following spoke in support of the application:** Dedrick Brittenum and Marty Lipinski

**The following spoke in opposition of the application:** Jim Vargo, Jamie Fryson, and Sharon Jones

The Land Use Control Board reviewed the application and the staff report. A motion was made and seconded to recommend approval of the application.

**The motion passed by a unanimous vote of 9-0.**

Respectfully,



Teresa H. Shelton  
Municipal Planner  
Land Use and Development Services  
Division of Planning and Development

Cc: Committee Members  
File

**AGENDA ITEM:** 7

**CASE NUMBER:** Z 21-10 **L.U.C.B. MEETING:** September 9, 2021

**LOCATION:** Sara Holmes Property, 0 Tchulahoma Road

**COUNCIL DISTRICT:** District 3 and Super District 8 – Positions 1, 2, and 3

**OWNER/APPLICANT:** Sarah Holmes et al./TPA Ventures

**REPRESENTATIVE:** Dedrick Brittenum, Jr

**REQUEST:** Rezoning of 72.7 acres on west side of Tchulahoma, about 1900 feet south of Aquarius, from Conservation Agriculture (CA) to Employment (EMP).

**AREA:** +/-81.76 acres (this includes parcels 094400 00143 (.66 acres) & 094100 00117 (4.4 acres) to the south and 094400 00133 (4.4 acres) to the north

**EXISTING ZONING:** Conservation Agriculture (CA)

## CONCLUSIONS

1. The applicant is requesting a zoning reclassification of property to be included in the Employment (EMP) District to allow for light industrial.
2. The purpose of this request is to build a Distribution Warehouse Fulfillment Center.
3. Since last month the applicant has south to secure purchase contracts on the residential properties immediately to the north and south of the property originally designated for rezoning.

## CONSISTENCY WITH MEMPHIS 3.0

This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 12-14 of this report.

## RECOMMENDATION

*Approval*

**GENERAL INFORMATION**

**Street Frontage:** Tchulahoma Road +/-974.7 curvilinear feet

**Zoning Atlas Page:** 2535

**Parcel ID:** 094400 00142

**Existing Zoning:** Conservation Agriculture (CA)

**NEIGHBORHOOD MEETING**

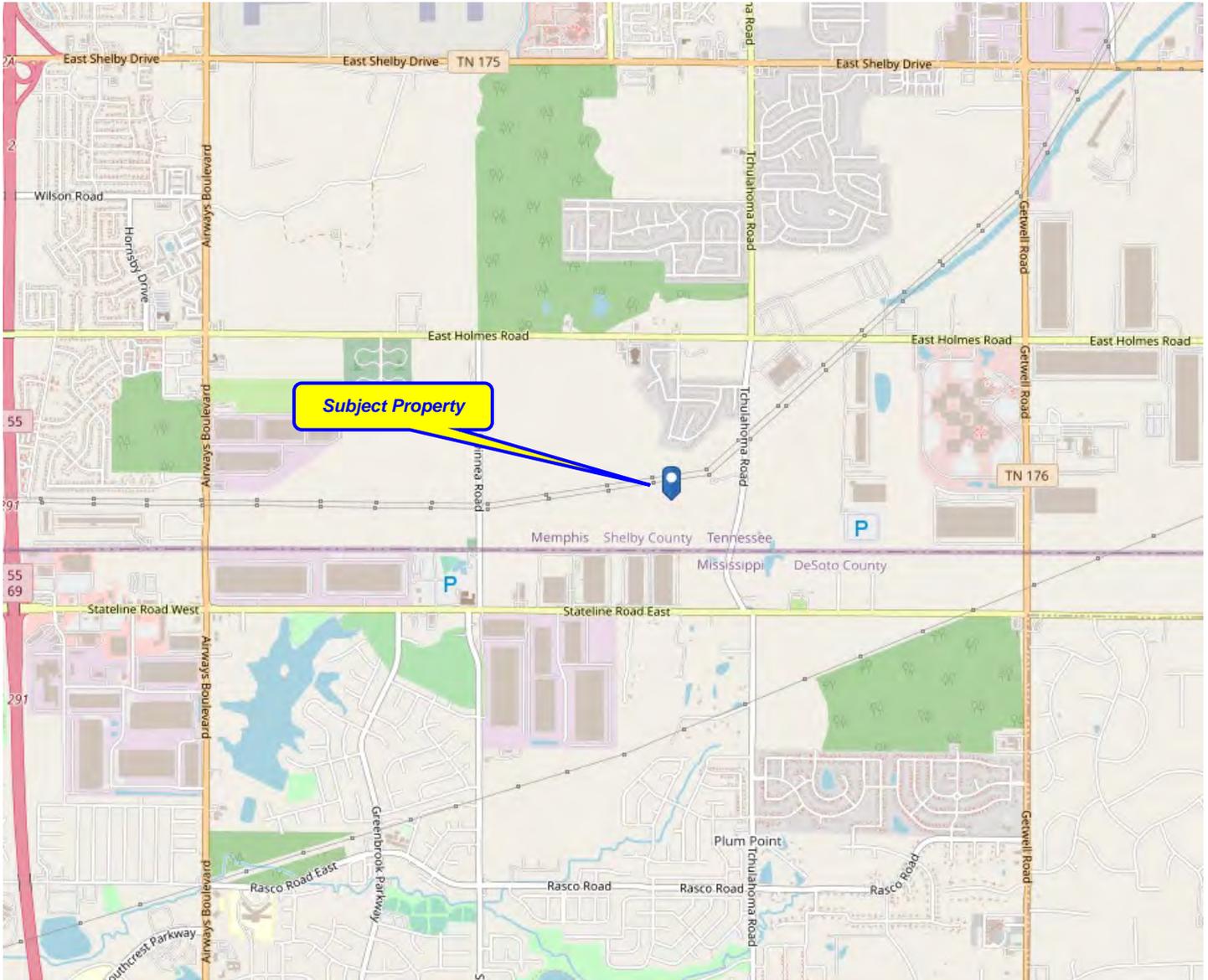
Not required, zoning change is in compliance with the Memphis Airport Area Land Use Study.

**Note\* (Although a meeting was not required the Applicant/Rep. agreed to hold a meeting, which was held on Thursday, July 29, 2021 at 6:00 PM.) Notice and meeting summary are attached to this report.**

**PUBLIC NOTICE**

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 61 notices were mailed on July 28, 2021, and a total of 1 sign posted at the subject property. The sign affidavit has been added to this report.

**PLANNING AREA**





**AERIAL**



**ZONING MAP**



Subject property highlighted in yellow

**Existing Zoning:** Conservation Agriculture (CA)

**Surrounding Zoning**

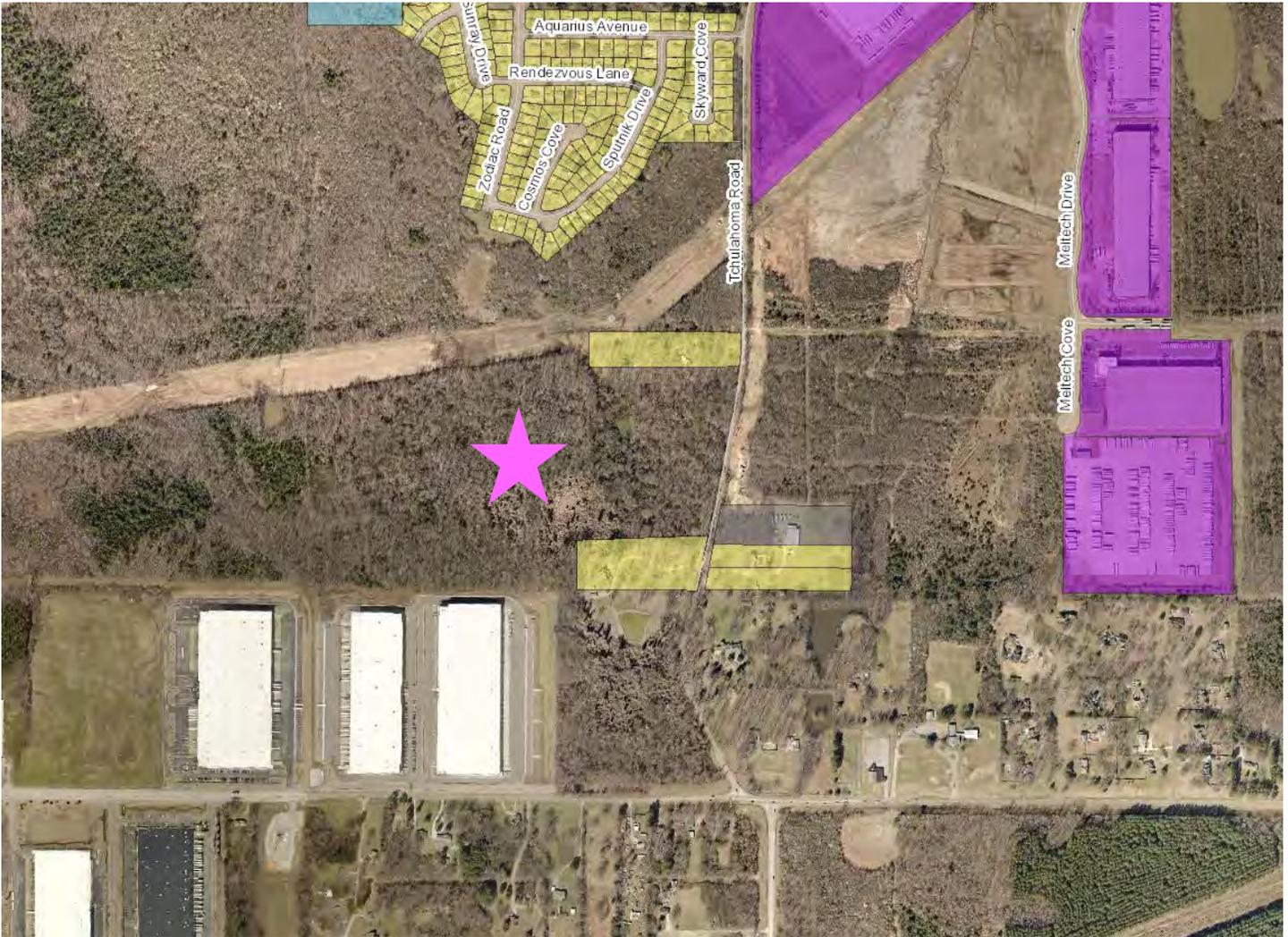
**North:** Residential Urban – 2 (RU-2)

**East:** Conservation Agriculture (CA)

**South:** Mississippi (MS)

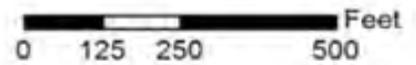
**West:** Employment (EMP)

**LAND USE MAP**



**LandUse**

- |   |  |
|---|--|
|  SINGLE-FAMILY             |  OFFICE     |
|  MULTI-FAMILY              |  INDUSTRIAL |
|  INSTITUTIONAL             |  PARKING    |
|  COMMERCIAL                |  VACANT     |
|  RECREATIONAL / OPEN SPACE |  |



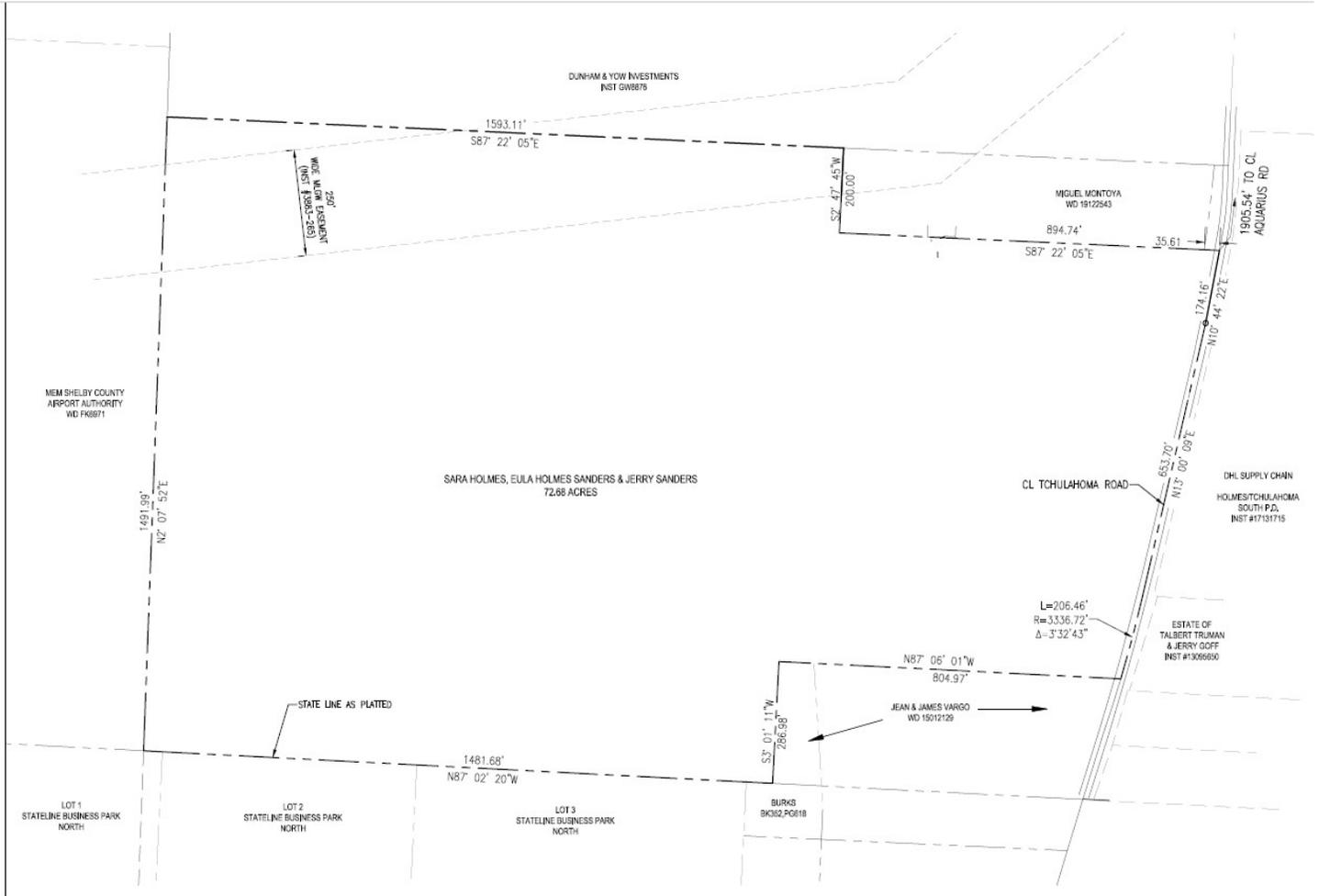
Subject property indicated by pink star





Adjacent property to the immediate north of subject site.

**PLOT PLAN (ENLARGED)**



**PLOT PLAN**



Highlighted are subject properties sought to secure purchase contracts to be included in the original property designated for rezoning.

## STAFF ANALYSIS

### **Request**

The application and letter of intent have been added to this report.

The request is to rezone 72.7 acres from Conservation Agriculture (CA) to Employment (EMP).

### **Review Criteria**

Staff disagrees the review criteria as set out in Sub-Section 9.5.7B of the Unified Development Code are met.

#### *9.5.7B Review Criteria*

*In making recommendations, the Land Use Control Board shall consider the following matters:*

- 9.5.7B(1) Consistency with any plans to be considered (see Chapter 1.9);*
- 9.5.7B(2) Compatibility with the present zoning (including any residential corridor overlay district) and conforming uses of nearby property and with the character of the neighborhood;*
- 9.5.7B(3) Suitability of the subject property for uses permitted by the current versus the proposed district;*
- 9.5.7B(4) Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the City or County; and*
- 9.5.7B(5) The availability of adequate police services, fire services, school, road, park, wastewater treatment, water supply and stormwater drainage facilities for the proposed zoning.*

### **Consistency with Memphis 3.0**

#### **Office of Comprehensive Planning Review**

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This summary is being produced in response to the following application to support the Office of Planning & Development in their recommendation: Z 2021-10

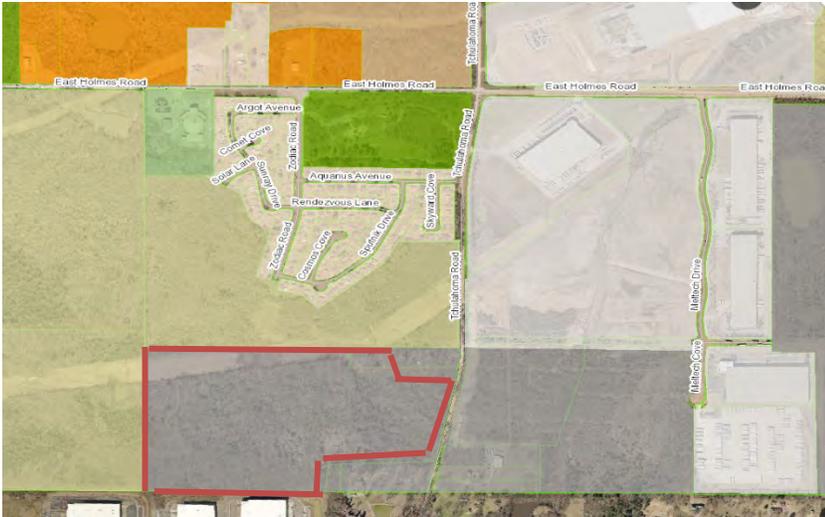
Site Address/location: 0 Tchulahoma

Land Use Designation (see page 112 for details): Industrial

**Based on the Future Land Use Planning Map, the proposal is CONSISTENT with the Memphis 3.0 Comprehensive Plan.**

The following information about the land use designation can be found on pages 76 – 122:

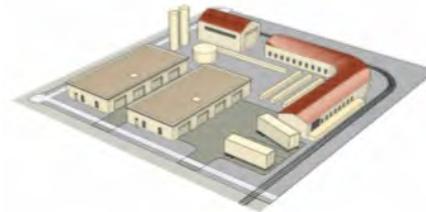
#### **1. FUTURE LAND USE PLANNING MAP**



The red box indicates the application sites on the Future Land Use Map.

**2. Land use description & applicability:**

Industrial areas are primarily higher intensity forms that are not to neighborhoods. These active areas are located on land where it for the continued existence of high impact manufacturing and need to change to another usage. Industrial areas are usually alongside highways and thus are majorly accessed by cars, trucks, infrastructure See graphic portrayal to the right.



suitable next  
is productive  
would not  
located  
and freight

**“I” Goals/Objectives:**

Preservation/maintenance of manufacturing/industrial jobs where suitable, protection of neighborhoods from impactful uses and activities.

**“I” Form & Location Characteristics:**

Industrial, One to ten stories

*The applicant is requesting to rezone a parcel over 72 acres in size to Employment (EMP).*

The new zoning designation is consistent with the Industrial Future Land Use Type. Also, the parcel above has a Future Land Use Type of Open Spaces & Natural Features and is currently vacant. The parcel above provides a large enough buffer to residential development. Therefore, the proposal is consistent.

**3. Existing, Adjacent Land Use and Zoning**

The subject site is surrounded by the following land use: Industrial, Open Space, and Residential. The subject site is surrounded by the following zoning districts: RU-2, R-8, and EMP. This requested land use is compatible with these adjacent land uses and zoning districts because *existing land use surrounding the parcels is similar in nature to the requested use.*

**4. Degree of Change map**



**There Is no degree of change for the parcels. The parcels are indicated by the red box in the Degree of Change Map above.**

**Based on the information provided, the proposal is CONSISTENT with the Memphis 3.0 Comprehensive Plan.**

Summary Compiled by: Melanie Batke, Office of Comprehensive Planning

### **Conclusions**

The applicant is requesting a zoning reclassification of property to be included in the Employment (EMP) District to continue the development of the property.

The underlying purpose of this request is to build a distribution warehouse fulfillment center.

### **RECOMMENDATION**

Staff recommends approval based upon both the adjacent properties of Tchulahoma Road to the immediate north and south becoming part of this re-zoning application. As of the writing of this staff report, the applicant has an agreement by the property owner to the south to become part of this rezoning (see p. 17). The applicant is pursuing the same with the property owner to the north.

**DEPARTMENTAL COMMENTS**

The following comments were provided by agencies to which this application was referred:

**City/County Engineer:** DATE: **8/3/2021**

**CASE: Z-21-010 CO** NAME: **Raleigh**

**Sewers:**

1. City sanitary sewers are available to serve this development.
2. All sewer connections must be designed and installed by the developer. This service is no longer offered by the Public Works Division.
3. The developer shall extend sanitary sewers through the site to serve upstream properties.
4. A sewer extension of approximately 1,100 ft. will be required to serve this development.

**City/County Fire Division:** No comments received.

**City Real Estate:** No comments received.

**City/County Health Department:** No comments received.

**Shelby County Schools:** No comments received.

**Construction Code Enforcement:** No comments received.

**Memphis Light, Gas and Water:** No comments received.

**Office of Sustainability and Resilience:** No comments received.

**Office of Comprehensive Planning:** No comments received.

**APPLICATION**



*Memphis and Shelby County*  
*Office of Planning and Development*  
CITY HALL, 125 NORTH MAIN STREET, SUITE 468 MEMPHIS, TENNESSEE 38103-2084 (901) 976-6611

**APPLICATION FOR REZONING APPROVAL**

Date: 7/8/2021

Case #: \_\_\_\_\_

PLEASE TYPE OR PRINT

Property Owner of Record: Sara Holmes et al. Phone #: 901-487-8865  
 Mailing Address: 1054 Audubon Dr City/State: Memphis Zip: 38117  
 Property Owner E-Mail Address: \_\_\_\_\_  
 Applicant: TPA Ventures Phone #: 770-436-3400  
 Mailing Address: 1776 Peachtree Street, NW, Suite 100 City/State: Atlanta, GA Zip: 30308  
 Applicant E-Mail Address: brainer@pa-grp.com  
 Representative: Dedrick Brittanum, Jr Phone #: 901-552-5994  
 Mailing Address: 3835 Airways Boulevard, Suite 228 City/State: Memphis, TN Zip: 38116  
 Representative E-Mail Address: db@brittanumlaw.com  
 Engineer/Surveyor: Pickering Firm Phone #: 901-726-0810  
 Mailing Address: 6383 Poplar Avenue, Suite 300 City/State: Memphis, TN Zip: 38119  
 Engineer/Surveyor E-Mail Address: mbrown@pickeringfirm.com  
 Street Address Location: 0 Tonitahama Road  
 Distance to nearest intersecting street: 1905.54 feet south of intersection with Aquanus Road

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	<u>72.68</u>	_____	_____
Existing Zoning:	<u>CA</u>	_____	_____
Existing Use of Property	<u>Vacant</u>	_____	_____
Requested Use of Property	<u>(Minimum 500 Square Footage)</u>	_____	_____
Requested Zoning	<u>EMP</u>	_____	_____

Pre-Application Conference held on: June 25 with Chip Saliba

Neighborhood Meeting Requirement Met: Yes  or Not Yes  or Not Required (see below)   
 (If yes, documentation must be included with application materials)

I (we) hereby make application for the rezoning classification described above and on the accompanying materials. I (we) accept responsibility for any errors or omissions which may result in the postponement of the application being reviewed by the Memphis & Shelby County Land Use Control Board at the next available hearing date. I (We), owner(s) of the above described property hereby authorize the filing of this application and the above named persons to act on my behalf.

Sara M Holmes 7/6/21  
 Property Owner of Record Date Applicant Date  
Chip Saliba  
Family Meeting



*Memphis and Shelby County*  
*Office of Planning and Development*  
CITY HALL (25 NORTH MAIN STREET-SUITE 468 MEMPHIS, TENNESSEE 38105-2084) (901) 576-6601

**APPLICATION FOR REZONING APPROVAL**

Date: 9/2/2021

Case #: \_\_\_\_\_

PLEASE TYPE OR PRINT

Property Owner of Record: Jean & James Vargo Phone #: \_\_\_\_\_  
 Mailing Address: 5605 Tchulahoma Rd City/State: Memphis, TN Zip 38116  
 Property Owner E-Mail Address: \_\_\_\_\_  
 Applicant: TPA Ventures Phone # 770.436.3400  
 Mailing Address: 1776 Peachtree Street, NW, Suite 100 City/State: Atlanta, GA Zip 30309  
 Applicant E-Mail Address: bkaaber@tpa-grp.com  
 Representative: Dedrick Brittenum, Jr. Phone #: 901.552.5994  
 Mailing Address: 3835 Airways Boulevard, Suite 229 City/State: Memphis, TN Zip 38116  
 Representative E-Mail Address: dd@brittenumlaw.com  
 Engineer/Surveyor: Pickering Firm Phone # 901.726.0810  
 Mailing Address: 6363 Poplar Avenue, Suite 300 City/State: Memphis, TN Zip 38119  
 Engineer/Surveyor E-Mail Address: mbrown@pickeringfirm.com  
 Street Address Location: 5605 Tchulahoma Rd  
 Distance to nearest intersecting street: 2865 feet south of intersection with Aquarius Road

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	4.4	.65	
Existing Zoning:	CA	CA	
Existing Use of Property	Residential	Residential	
Requested Use of Property	Distribution/Warehouse/Fulfillment	Distribution/Warehouse/Fulfillment	
Requested Zoning	EMP	EMP	

Pre-Application Conference held on: \_\_\_\_\_ with \_\_\_\_\_

Neighborhood Meeting Requirement Met: Yes  or Not Yet  or Not Required (see below)   
 (If yes, documentation must be included with application materials)

I (we) hereby make application for the rezoning classification described above and on the accompanying materials. I (we) accept responsibility for any errors or omissions which may result in the postponement of the application being reviewed by the Memphis & Shelby County Land Use Control Board at the next available hearing date. I (We), owner(s) of the above described property hereby authorize the filing of this application and the above named persons to act on my behalf.

Jean Vargo James Vargo 9-3-2021  
 Property Owner of Record Date Applicant Date  
Jean Vargo  
James Vargo property owners

**LETTER OF INTENT**

**Brittenum**

**Law pllc**

ATTORNEY AT LAW  
Airways Professional Center – Aerropolis  
3385 Airways Boulevard, Suite 229  
Memphis, Tennessee 38116 USA  
Telephone 901.347.3978  
Facsimile 901.800.1927  
[jb@brittenumlaw.com](mailto:jb@brittenumlaw.com)

8 July 2021

Via Hand Delivery

Josh Whitehead, AICP  
Zoning Administrator  
Memphis & Shelby County Division of Planning and Development  
City Hall  
125 North Main Street, Suite 468  
Memphis, TN 38103

RE: Sara Holmes Property, 0 Tchulahoma Road, Memphis

Dear Administrator Whitehead:

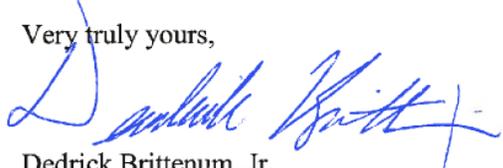
I represent the TPA Group of Atlanta, Georgia for a rezoning application to develop the above tract for employment district (EMP) use. The subject site is 72+ acres and is one of the few remaining large parcels near the airport on Tchulahoma Road south of Holmes Road. The Airport Master Plan for this area recommends action to support development in the airport vicinity to encourage employment growth. The Memphis Airport Area Land Use Study shows Planned Business Park as a future land use for the site. The same study advocates a “balanced approach” of maintaining established neighborhoods and providing opportunities for employment. The Memphis 3.0 Land Use Planning Map shows the area as future Industrial / Industrial Flex uses. Upon approval, the Sara Holmes tract will contribute to supporting jobs growth in the Memphis Airport market. Enclosed please find the Application for Rezoning Approval with supporting documents.

The subject property is part of a larger tract previously owned by the late Virginia Brister Holmes. The site is vacant and has heavy vegetation. Looking north from the subject site, the adjacent parcel is zoned Residential Urban - 2 (RU) and beyond is the Zodiac Subdivision. A 250 feet wide MLGW easement runs east to west roughly along the boundary line of the RU zoned parcel and the subject property. The RU parcel and the MLGW easement provide an additional buffer for the Zodiac Subdivision which complement the onsite UDC buffer requirements. The proposed EMP zoning is compatible with current development to the east across Tchulahoma Road, west across Swinnea Road and south across the Tennessee / Mississippi border. Two large parcels adjacent on the west of the subject site are owned by the Memphis Shelby County Airport Authority (MSCAA). Although zoned Conservation Agriculture (CA), the requested EMP rezoning by the Applicant here would seem compatible with uses contemplated by the MSCAA.

In October 2001, the Memphis City Council adopted the City of Memphis Plan of Services for the Southeast Industrial Corridor Annexation Study Report, Area No: 01-50. That annexation plan committed the City to improve Tchulahoma Road with four lanes from the existing City limit to 6000 feet south (the Tennessee / Mississippi border) as one of several road projects. The Plan of Services outlined a process as determined by the governing body that "...will be accomplished through the Capital Improvement Program of the City...". The anticipated expansion of distribution development is now well underway in the Holmes Road to the Tennessee / Mississippi border sector along Tchulahoma Road. Therefore, it is imperative that the City recognizes the commitment made to land owners in the area for the widening of Tchulahoma Road. TPA supports this road widening commitment by the City and looks forward to a four lane Tchulahoma Road. Once these improvements are complete, the so-called southeast Memphis industrial Area will become an important link in the ongoing supply chain connecting Memphis to the world by rail, river, road and runway.

Considering all the above, TPA respectfully requests your recommendation of approval. Thanks for your attention and should you have any questions or comments, please advise. I remain,

Very truly yours,



Dedrick Brittenum, Jr.

enclosure

**SIGN AFFIDAVIT**

**AFFIDAVIT**

Shelby County  
State of Tennessee

I, Marvin L. Brown, Jr., being duly sworn, depose and say that at 10:29 am/pm on the 27 day of July, 2021, I posted 1 Public Notice Sign(s) pertaining to Case No. Z 21-10 at 0 Tchulahoma Road, providing notice of a Public Hearing before the  Land Use Control Board, Memphis City Council, Shelby County Board of Commissioners for consideration of a proposed Land Use Action ( Planned Development,  Special Use Permit,  Zoning District Map Amendment,  Street and/or Alley Closure), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

Marvin L. Brown, Jr.  
Owner, Applicant or Representative

7/28/2021  
Date

Subscribed and sworn to before me this 28 day of July, 2021.

Sheena Johnson  
Notary Public



My commission expires: 1-16-2023

My Comm. Exp. 1-16-2023

**LETTERS RECEIVED**

One letter of support, Eighteen letters of opposition and a copy of a signed petition through Change.org website with 151 signatures were received at the time of completion of this report and have subsequently been attached.

**From:** [Dedrick Brittenum](#)  
**To:** [Shelton, Teresa](#)  
**Subject:** Z 21-10  
**Date:** Monday, August 30, 2021 12:02:25 PM

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Hello Ms. Shelton,

Since the start of the one-month hold for the LUCB hearing, Applicant TPA has initiated the following:

- TPA is in negotiations to purchase with both property owners immediately to the north and south on Tchulahoma Road of the subject Sara Holmes property.
- TPA has commissioned a traffic analysis which is underway for the area around the intersection of Holmes Road and Tchulahoma Road. This review should be completed within the next few days.
- TPA has received a letter of support from the Greater Whitehaven Economic Redevelopment Corporation.
- At the report of TPA, the growth has been cut in the MLGW easement running east west on the north of the subject Sara Holmes property.

Thanks for your attention and I will update you when the need arises.

Cheers,

db

**Brittenum**

**Law PLLC**

Dedrick Brittenum, Jr.  
Airways Professional Center - Aerotropolis  
3385 Airways Boulevard, Suite 229  
Memphis, TN 38116 USA  
Reception: 901.347.3978  
Direct: 901.552.5994  
Mobile: 901.301.2535  
Facsimile: 901.800.1927  
Email: [db@brittenumlaw.com](mailto:db@brittenumlaw.com)



GREATER WHITEHAVEN ECONOMIC REDEVELOPMENT CORPORATION

August 26, 2021

Dear Ms. Shelton,

As Executive Director of the Greater Whitehaven Economic Redevelopment Corporation, I have been involved in several meetings and conversations regarding the Memphis Stateline Business Park project - rezoning of 72.7 acres on west side of Tchulahoma, about 1900 feet south of Aquarius, from Conservation Agriculture (CA) to Employment (EMP). Acknowledging our commitment to economic development and job creation, we are in full support of this project. The overall economic impact is very much needed and should increase economic opportunities across our community.

It is also our hope that upon completion of this project, that the TPA group strongly considers supporting the concerns of the residents by:

- Continued advocacy of widening the roads along Tchulahoma Rd. and Holmes Rd. to Stateline Rd. to decrease traffic concerns.
- Continued advocacy of widening the roads along Tchulahoma Rd. and Holmes Rd. to Airways Blvd. to decrease traffic concerns.
- Establish a sound buffering around the property to not become a hinderance for nearby residents.
- Provide sponsorship for and participate in Neighborhood Night Out events.
- Provide the neighborhood associations space to hold meetings.
- Partner with the local schools (Oakhaven Elementary, Middle and High) to serve as volunteers and assist in creating workforce development opportunities, as a part of being a good corporate neighbor.

We stand by this project, understanding that together this project has the potential to produce equitable wins for the TPA Group, the neighborhood residents, City of Memphis and Shelby County as a whole.

In service above self,

Michael O. Harris  
Executive Director

August 24, 2021

To whom it may concern

I am writing to address my concern about the Oakhaven Rezoning. I have lived in this neighborhood for over 20 years and have enjoyed it. The reason we chose this area we believe and have been safe and secure in our home while raising our 4 sons, one of which has multiple disabilities. Living in this area has allowed our son to be able to go outside in his wheelchair and ride up and down the neighborhood without fear of something happening. A safe environment for his nurses to feel safe to come to and our other son's to be able to make friends and be safe walking around. As know our grandchild has a place where she can play safely and have neighbors who watch out for her and our home. This is just not a neighbor but a family of individuals who care about each other and watch out for each other.

Putting up another company in this area and so close to our neighborhood would not only allow for more traffic, but crime rates to go up. The noise of large trucks and more cars coming through the neighborhood. With the already builds in the area has increase traffic and power outages more than it has every been in this area. My son would not be able to enjoy his time outside and going around the neighborhood. It would bring down our property value and bring unwanted individuals into the neighborhood. We should be able to sit outside and enjoy without all the loud noise, late night cars coming through and other items that comes with having a business within the neighborhood. There is no benefit for the community.

Please work with us to save our neighborhood. This is something we do not want we have invest a lot in our home and neighborhood. We will continue to fight this company come into this area. We did not have choices or was aware of Amazon or Smith / Nephew and the new company that is coming to the area. Our voices need to be heard and address.

Maurice and Sandra Hawkins  
3170 Rendezvous Ln.  
Memphis, TN 38118

[mauriceh77@comcast.net](mailto:mauriceh77@comcast.net)  
[sandraybrown@hotmail.com](mailto:sandraybrown@hotmail.com)

**21 July 2021**

**ATTENTION NEIGHBORS**

DPD Case Number: Z 21-10

You are invited to participate in a Telephonic Neighborhood Meeting with representatives of the development team regarding the 0 Tchulahoma Road (Sara Holmes Property) rezoning known as the Memphis Stateline Logistics Center. A vicinity map is on the back for your reference.

**Thursday, 29 July 2021 - 6:00 PM**

**Purpose**

Building on recent land planning applications in the area, the goal is to gain Employment Zone to attract businesses and good

**Jobs! Jobs! Jobs!**

Due to the Covid-19 Pandemic the meeting is electronic/telephonic.

Topic: Memphis Stateline Logistics Center

Time: July 29, 2021 06:00 PM Central Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/88161865788?pwd=UIFrNTIKclFpOGhPTmZISVljclRWQT09>

Meeting ID: 881 6186 5788

Passcode: 917968

Dial in:

+1 312 626 6799 US

Meeting ID: 881 6186 5788

Passcode: 917968

**View the presentation at:**

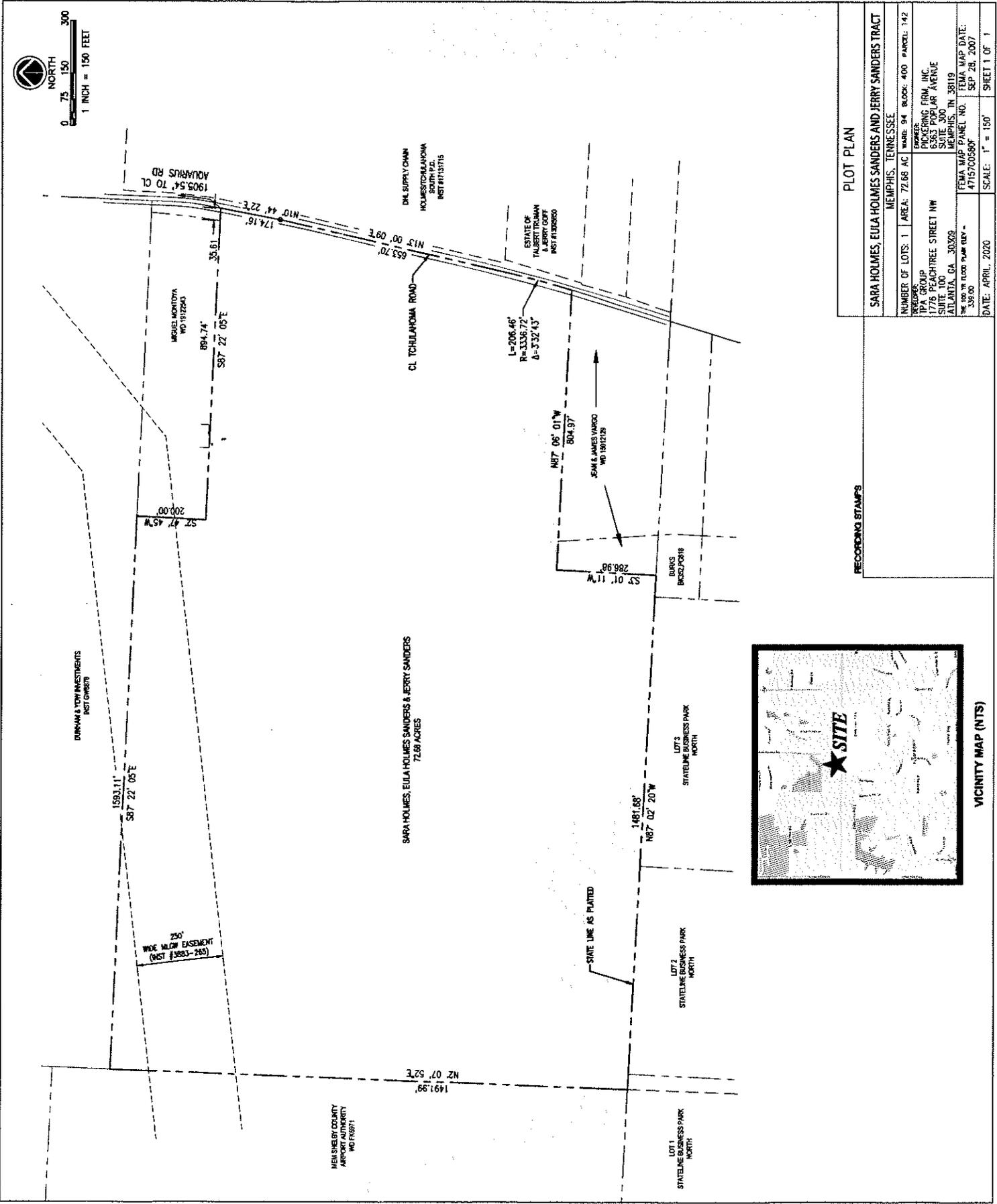
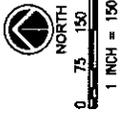
**<https://www.memphisstateline.com/>**

**We Look Forward to Your Participation.**

This application will be heard by the Memphis and Shelby County Land Use Control Board on 12 August 2021 at 9:00am in the City Council Chambers at Memphis City Hall, 125 North Main Street. The assigned DPD staff planner is Ms. Teresa Shelton, 901.363.6619.

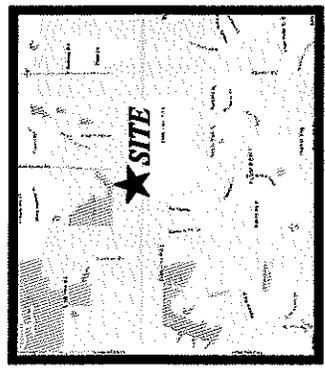
Link to application: <https://shelbycountyttn.gov/ArchiveCenter/ViewFile/Item/10554>

**STATELINE HOLDINGS**



PLOT PLAN	
SARA HOLMES, ELLA HOLMES SANDERS AND JERRY SANDERS TRACT	
MEMPHIS, TENNESSEE	
NUMBER OF LOTS: 1	AREA: 72.68 AC
WARD: 94, BLOCK: 400, PARCEL: 142	
OWNER: SARA HOLMES, ELLA HOLMES SANDERS AND JERRY SANDERS	
PREPARED BY: GUYTON & COMPANY, INC.	
1776 PEACHTREE STREET NW	
SUITE 300	
ATLANTA, GA. 30309	
MEMPHIS, TN 38119	
FEDERAL MAP PANEL NO.	FEMA MAP DATE:
47157C05809	SEP 28, 2007
DATE: APRIL, 2020	SCALE: 1" = 150'
SHEET 1 OF 1	

RECORDING STAMPS



VICINITY MAP (NTS)

DPD CASE NO. Z 2021-10

## NEIGHBORHOOD MEETING SUMMARY\*

Notice: 21 July 2021

Date: Thursday, 29 July 2021  
Scheduled Time: 6:00 – 7:00 pm  
Location: Zoom

The zoom call started about 25 minutes late due to scheduling issue

Format: Greetings  
Introductions  
Slide deck Presentation  
Questions from neighborhood attendees (and others)  
Answers from development team  
Comments and update from City Councilmember Patrice Robinson

Topics raised by attendees:

Heavy vehicle traffic volumes on narrow Holmes and Tchulahoma Roads  
Urgent need to widen Holmes Road from Tchulahoma Road to Airways Boulevard  
Urgent need to widen Tchulahoma Road from Holmes Road south to state line  
Poor surface condition of Holmes Road and Tchulahoma Road  
Distance from subject site to subdivision to the north  
Screening  
Noise and Fumes

The meeting lasted for just over one hour.

There were 25 attendees.

Attendees had questions or comments for the development team members which received responses.

Some attendees mentioned the area becoming a distribution hub.

One attendee mentioned the possibility of the homes in the north subdivision entering a buy-out plan.

\*Neighborhood meeting not a requirement for this site

**From:** [Opal M. Washington](#)  
**To:** [Shelton, Teresa](#)  
**Subject:** NO MORE WAREHOUSES IN OUR NEIGHBORHOOD!  
**Date:** Thursday, August 05, 2021 8:27:09 PM

---

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Dear Ms Shelton,

I am writing to you for the stopping of the tearing down the value of our properties. You are allowing someone who does not live in this region to come and take over our space just for the sake of the almighty dollar.

Why are you allowing this to happen? Is it because you don't have to live here? Is it because you don't care what happens to the value of the property that we have tried so hard to keep up? WHAT?

This is or should I say was a very tranquil area. There has been damage to our once quiet area.

I like advancement as well as the next home owner, but, not at the expense of this! Let me ask you this. What if it were your area of residence, would you consider it an improvement for the city?

STOP THE FOOLISHNESS! DO NOT REZONE OUR AREA! This is not a logistics area. Enough is enough.

Opal M. Washington  
5309 Skyward Cove  
Memphis, TN 38118

Sent from [Mail](#) for Windows 10

**From:** [jean vargo](#)  
**To:** [Shelton, Teresa](#)  
**Subject:** Z21-10. Sara Holmes property 0 Tchulahoma Rd.  
**Date:** Thursday, August 05, 2021 7:37:56 PM

---

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We understand there is a hearing on the 0 tchulahoma property on August 12 at 9am.

We reject any and all of this proposal. Residential and country living for the citizens should be the priority. To disrupt lives and lively hoods is in our mind almost criminal. The industrialization and commercialization of this area is an abomination to the people who live here, who have established their lives here. To rezone the property increases traffic, increases noise on all levels, air pollution, water pollution, and takes away a coveted lifestyle. Our country. Living not only allows for hobby farms, growing our own food, allowing our children to participate in 4-H and FFA. Our younger generations is the future of our Agricultural industry. Without Agricultural we would not have the farms/land to grow the food that we put on the table every single day. The rezoning causes all our real estate values to become unstable causing even more economic hardship in already tough economy.

The residents, for one need to come first, their is plenty of other land that is not residential or farming that can be used industry and commercial

If this rezoning cannot be stopped we believe that you need to offer a buy and relocation allowance to all residents affected. This rezoning borders our property and displeases us beyond belief. We are goat farmers and there are few places for us to enjoy both the city and our preferred lifestyle.

Jean Vargo  
Jim Vargo  
Felicity Vargo  
Vitalia Albertson  
John Albertson

**From:** [Sharon Jones](#)  
**To:** [Shelton, Teresa](#)  
**Subject:** Whitehaven Hills East/ Oakhaven Rezoning Opposition  
**Date:** Tuesday, July 20, 2021 10:57:16 AM

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Ms. Shelton,

Please be advised I am opposed to the proposed rezoning project.

Thank you.

**From:** [Clyde Adams](#)  
**To:** [Shelton, Teresa](#)  
**Subject:** OAKHAVEN REZONING PROJECT  
**Date:** Thursday, August 5, 2021 2:40:03 AM

---

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Ms Shelton:

I am writing in regards to the **Oakhaven Rezoning Project** which includes 72 acres near a community that I hold dear to my heart...WHITEHAVEN HILLS EAST SUBDIVISION!

My children grew up in this quiet community and I still have relatives that live there. The neighborhood has changed tremendously over the years and has been taken over by industrial businesses, increase of traffic, noise, pollution, crime and inadequate roads/streets to accommodate the flow of traffic in the area.

Accidents happen frequently and sometimes they are fatal. It's heartbreaking to see teddy bears, crosses, and flowers that have been placed in memory of some ones family member.

Just the thought of bringing more warehouses in the area would be an insult to the current residents in the area. Many have lived there for over 30 years and have no plans of moving. They have taken pride in their community and they love this place that they call **"Home"**!

Please put yourself in these homeowners position and ask yourself, "Would I want more warehouses to be approved in an area that is zoned residential in my neighborhood?" I know your answer would be, "No, I do not"!

**I OPPOSE THE OAKHAVEN REZONING OF THE 72 ACRES FOR MORE WAREHOUSES AT TCHULAHOMA ROAD SOUTH OF HOLMES ROAD!**

*Regards,*

**Clyde Adams, Jr.**  
**Mobile: (773) 314-6172**  
**Fax: (901) 471-4210**  
**Email: [clydeadamsjr@yahoo.com](mailto:clydeadamsjr@yahoo.com)**

**From:** [My ZIP](#)  
**To:** [Shelton, Teresa](#)  
**Cc:** [jussjoyce@yahoo.com](mailto:jussjoyce@yahoo.com)  
**Subject:** Z 2021-10 (38118)  
**Date:** Thursday, August 5, 2021 10:38:52 AM

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Dear Ms. Shelton,

The neighboring Whitehaven Community (38116) is wishing to express its opinion on the future development of the 72+ acres of land, owned by Sara Holmes, which is now subject to development.

This community is also concerned with the fact that none of the previously promised road improvements were made as previously agreed upon. It is our continued concern that pushing or allowing this development to continue will result in more of the same - two lane roads of dead promises and no expansion plans in place.

We join the Whitehaven Hills East community believing that this development will not bring any relief to the residents of this area. We are joining them in requesting this development be placed on hold until additional information that addresses the concerns of the community are fully discussed and placed in writing with deadlines for completion.

Thank you,  
Dr. Yvonne D. Nelson, President  
McCorkle Road NDA / Whitehaven CDC  
Spokesperson, My ZIP

**From:** [candace.smith](#)  
**To:** [Shelton, Teresa](#)  
**Subject:** REZONE OPPOSITION  
**Date:** Saturday, July 31, 2021 11:51:09 AM

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> Hello Ms. Shelton

>

> I as a resident of Whitehaven Hills East Oakhaven oppose the REZONING PROPOSITION. This will continuously take away from natural beauty of the natural landscaping that surrounds the area as it has already been done with the continuous adding of warehouses close to my neighborhood. Which in return has brought more traffic, which has increased speeding and littering to my neighborhood. I want my neighborhood to be viewed as an importance also. I want to think would I like to live in neighborhood that is surrounded by warehouse, trash, and no natural landscaping outside of the neighborhood. The negative influences will then continue to bring down my property value and I in return cannot make a profit off of the home I bought if I choose to sell it.

>

> Thank You

>

> Concern Resident of Whitehaven Hills East Oakhaven

Good morning,

My name is Natasha Adams, I am writing to express my strong opposition to the proposed development, the proposed rezoning of 72.7 acres on the west side of Tchulahoma, about 1900 feet south of Aquarius, from Conservation Agriculture (CA) to Employment (EMP). Case Number Z 21-10 (formerly PD 06-342CC).

While the local community may be unable to prevent development, that in itself will be detrimental to the area, the residents of Whitehaven Hills overwhelmingly and completely oppose this proposed development, the proposed rezoning. Nearly all residents in adjacent neighborhoods, Easthaven and Thistlewood are opposed to the building of more warehouses, which will create even more traffic and safety problems, destroy local wildlife habitat, and potentially lower the property values of the existing community.

Whitehaven Hills is a place where residents can escape the noise and business of the city and relax in the tranquility of their properties. My mother moved to Whitehaven Hills in 1988 because of the peaceful rural lifestyle in which she wanted to raise her family and eventually retire.

Another warehouse south of the Whitehaven Hills and near other residential homes; located on Tchulahoma, between Holmes Road and Stateline Road would be devastating and ruin the quality of life that she and other neighbors enjoy so much. I beseech you to hear my concerns and to take into careful consideration the enormous negative impact such an operation would have on the community and the environment in which we live.

My first concern is traffic and public safety. There are only two accesses in and out of the community, which are Aquarius and Zodiac Road. The roads are narrow and two-lane with blind corners, very little too no room on the shoulder

Traffic and safety of pedestrians are major areas of concern. In general, the area traffic is continuing to increase, and heavy traffic is already common throughout the day on Holmes Road from Airways Blvd to Tchulahoma Road and on Tchulahoma Road from Winchester Road to Stateline Road, which may not have been anticipated during the last rezoning approval.

There have been a number of traffic accidents on Holmes Road between Airways Blvd and Tchulahoma Road since operations began at Amazon. I have personally witnessed cars pass oncoming cars on Holmes Road between Airways Blvd and Tchulahoma Road, as well as witnessed multiple traffic accidents on Holmes Road, which resulted in one known fatality to my knowledge. If you have driven this road before, you are aware of a few blind spots on Holmes Road east of Swinea Road.

It is implausible to see Tchulahoma and Holmes Road being able to handle the surge in traffic with the proposed development, proposed rezoning. There is overcrowding/over-development of warehouses in this area; more warehouses will impact traffic negatively and add to the existing problem of numerous potholes along Holmes Road and broken limbs blocking the road when a semi-trailer truck hit low hanging limbs. The vegetation has overgrown along Holmes and Tchulahoma Road.

Has a traffic report been reviewed to determine the impact the proposed development, proposed rezoning will have on the local traffic and details on the semis and other commercial vehicle movements?

My second concern is wildlife. Wildlife has been observed in the area, and any development will destroy their habitat. Any planned development of the property should consider the continuing impact to local wildlife habitat.

My third concern is noise, dust and pollution. The proposed development, proposed rezoning is located south of Whitehaven Hills and near residents located on Tchulahoma Road. The noise and pollution created by this proposal would adversely affect the entire community. With semi-trailer trucks, an additional increase, are already impacting the community or surge can be detrimental to the community. Property values are likely to go down in the area if additional warehouses are built. I was disappointed that only 22 notices were mailed to homes in a neighborhood with 225 homes.

I urge you to disapprove the proposed rezoning, and from recent meetings and discussions with neighbors, I know many who have not managed to attend the neighborhood meeting and conference call, or write letters and emails share my opinions. The proposed development, proposed rezoning would drastically affect the residents ability to enjoy their property that they have invested so much money and time into, decrease their property values, and destroy the quiet, peaceful community in which they live.

We hope that your board agree and save this neighborhood from becoming a haven for industrial development. Surely there are other parcels located within Shelby County that can be used for the proposed development, and already zoned for employment. I ask that you allow the residents of Whitehaven Hills and residents located on Tchulahoma Road to continue to live their lives with the little piece of property that they've managed to keep, with the expectation of enjoying retirement in a quiet-stable community.

Many residents are senior citizens and fear displacement or eventually having to start over. For the sake of all parties and our beloved Memphis, we hope that on August 12, 2021 you will decide in our favor.

I thank you for taking the time to hear my concerns and hope you will take them into consideration when making your decision about the future of Whitehaven Hills.

Sincerely,  
Natasha N. Adams

Should you have any questions or require additional information, please do not hesitate to contact me at (901) 289-3134.

**From:** [Barbara McIntyre](#)  
**To:** [Shelton, Teresa](#)  
**Subject:** Oakhaven Rezoning Opposition  
**Date:** Thursday, July 29, 2021 11:43:26 AM

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I am a resident of the Red Oaks Subdivision and I oppose any residential rezoning. The majority of the home owners have invested a lot of time and money in our homes in order to keep the area up. The City of Memphis has done little to improve or increase the value of our properties other than building warehouses and allowing any and all gas station to build in our communities which is not an asset. It takes years for us to have our streets paved and pot holes filled only for the large trucks to damage the repairs on a daily basis, and in addition to that we get an increase in property value to raise property taxes with no visible improvements to justify the increase. THIS IS UNFAIR, OUR SURROUNDINGS ARE IMPORTANT TO US, WE WANT IMPROVEMENTS NOT DEPRECIATION.

Thanks  
Barbara McIntyre

**From:** [Debra Plunket](#)  
**To:** [Shelton, Teresa](#)  
**Cc:** [Debra Plunket](#)  
**Subject:** Possible Rezoning of Whitehaven Hills East and Oak Haven  
**Date:** Wednesday, July 28, 2021 9:37:47 PM

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Ms. Shelton,

I am writing to express my extreme disappointment in the possible rezoning of Whitehaven Hills East and Oak Haven.

A friend said "walking the neighborhood today and the residents are in tears. Many have been in their home for 30 plus years and dread the thought of having to relocate. Some are disabled retirees and not physically able to fight" against this major life adjustment. There are plenty of areas around Memphis which are not old neighborhoods. Making new large scale changes to family neighborhoods is unwelcome in Memphis. Those in charge of this action should have more respect for their elders.

Debra Plunket

**From:** [Jannie Fryson](#)  
**To:** [Shelton, Teresa](#)  
**Subject:** Whitehaven Hills East Oakhaven rezoning opposition  
**Date:** Wednesday, July 28, 2021 1:16:05 PM

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Dear Ms Shelton,

As a resident of over 30 years on Cosmos Dr. I would like to say I'm disappointed in the city in which I live. First of all, no one contacted us concerning the rezoning of our area. We didn't know until the warehouses began going up two at a time on Tchulahoma road. And second of all "what is this going to do to our neighborhood", more traffic and no one's providing any information to us as to the types of warehouses these are. So how will they affect our personal health and we know they are going to affect our streets. We've seen it too many times when there's an accident on Holmes the traffic is automatically rerouted through our streets. Also, less address the noise from large trucks and additional other vehicles day and night. I want to let you and those in charge know that as a tax paying citizen my rights have been ignored and I am opposing the additional warehouses you are planning behind my home.

Regards,

The Frysons

**From:** [Candice Jones](#)  
**To:** [Shelton, Teresa](#)  
**Subject:** Opposition to Whitehaven Hills East Rezoning  
**Date:** Tuesday, July 27, 2021 7:44:13 PM

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Hello Ms. Shelton:

I am a Political activist for District 11 where your development is proposed. Therefore I am intervening on behalf of neighbors that are adjacent to me in an interest of preserving the beauty that we have left in this part of our district.

These constituents value their neighborhood and all of its land. They have raised generations in this neighborhood and they want to continue to do so as productive tax paying citizens.

It seems unthinkable that the city could upset this established residential neighborhoods without proper notice. Thankfully, they learned about this before the industrial development occurred.

They do realize the value of their land and they understand what is at stake if you do not reconsider the rezoning of this neighborhood. The people in this neighborhood have been forced to watch their neighborhood get chipped away.

This time they are saying enough and they do not want any more warehouses near them.

Should your board proceed with this action it will directly puts the property values at risk for devaluation, increase trash, transient presences that come with industrial developments. We ask that you drive through if you have not already done so. When you drive through the neighborhood and see for yourself, It sits off the beaten path in a quiet stable part of town. Thee people invested into this neighborhood for that reason. The warehouses forces more discomfort in an already uncomfortable time for most people who need housing in a pandemic.

The neighborhood residents are prepared to fight this with every resource available to them, in order to keep the ambience of their neighborhood from further deteriorations. We hope that your board agree and see fit to save this neighborhood from becoming a haven for industrial development. You must allow them to live their lives with the little piece that they've managed to keep. For the sake of all parties and our dear Memphis, we hope that on August 12 you will decide in our favor.

Candice Jones  
Political Activist  
District 11  
(901)340-5265

**From:** [Irene Williams](#)  
**To:** [Shelton, Teresa](#)  
**Subject:** Oakhaven rezoning  
**Date:** Tuesday, July 27, 2021 10:39:53 AM

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As a resident the Oakhaven community, I want to strongly voice my opposition to the rezoning of Oakhaven from residential. Please, we are inundated with warehouses already. We are being swallowed up by them. Our neighborhoods will not be able to remain viable should this deluge continue. We feel that we are fighting for our lives. Why can't these warehouse go to areas that are not designated residential. We feel this is racial inequality as most of the area residents are African Americans and already exposed to many other negative pressures. Please hear us.

Irene W Williams  
3364 Cloudland drive  
Memphis TN 38118

**From:** [Joyce Adams](#)  
**To:** [Shelton, Teresa](#)  
**Subject:** WE SAY "NO" TO OAKHAVEN REZONING!  
**Date:** Thursday, July 22, 2021 1:57:53 PM

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Good Afternoon,

I am a resident of Whitehaven Hills East and have been since 1988. When I moved to the area, it was a quiet county community with farm houses, horse stables, barns, etc. The atmosphere gave the charm of country which attracted me here because I am a farmer's daughter from Arkansas.

The area was zoned as Shelby County and we were annexed to Memphis in 2004 with many promises made but have not been met to this date-17 years later!

Many warehouses have been allowed in our residential area and the increase in traffic, accidents, noise, fumes have been a nightmare for residents in our subdivision. We have problems leaving and entering our little quiet community due to heavy traffic on Holmes Road which is only a 2-lane country road that has not been updated since I have lived in the area.(33 Years)

Holmes Road is filled with potholes, overgrown bushes/trees, trash/debris, and traffic signs are often knocked down from truck making turns or loads too wide! There have been several fatal accidents in the past 2 years!

Amazon, Smith-Nephew, are on the corner of Holmes Road & Tchulahoma Road. DHL & Walgreen's are under construction now!  
Just the thoughts of another warehouse coming to encroach on our community is frightening!!!

With this said..."I OPPOSE THE OAKHAVEN REZONING"

I pray that the ones that will be making this decision will put themselves in our position and do the right thing about the taxpayers in the City Of Memphis and Shelby County.

I am sure not any of you would want warehouse surrounding the place you have called home for over 30 years!

**'WHITEHAVEN HILLS EAST SAYS "NO" TO OAKHAVEN REZONING'**

Regards,  
Joyce Adams  
Whitehaven Hill East Neighborhood Group  
901-859-9636

**From:** [Joyce Adams](#)  
**To:** [Shelton, Teresa](#); [Yvonne Nelson](#)  
**Subject:** Re: 151 Opposition signatures proof for Z 2021-10  
**Date:** Friday, August 06, 2021 7:58:08 AM

**CAUTION:** This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

On Friday, August 6, 2021, 07:57:21 AM CDT, Yvonne Nelson <[dr.ydnelson@gmail.com](mailto:dr.ydnelson@gmail.com)> wrote:

6:44 

---

**HELP US TO SAVE OUR NEIGHBORHOOD...  
STOP OAKHAVEN REZONING!!!**



NEW WAREHOUSE SITE

AMAZON SITE

DHL SITE

SITE

127

An application to rezone 72+ acres of Residential Urban land on the west side of Tchulahoma is being applied for to build another WAREHOUSE and we need your support saying NO!

NO More automobile pollution. NO! No more gridlock! NO! No more traffic on these tiny streets that have repeatedly been promised for improvement and expansion. This is all of what we don't need in this area.

# Help us to STOP the OAK HAVEN rezoning project

**151 have signed. Let's get to 200!**



**At 200 signatures, this petition is more likely to be featured in recommendations!**



 Whitehaven Hills East Neigh... signed this petition



WHITEHAVEN HILLS EAST NEIGHBORHOOD

WATCH GROUP started this petition to Residents  
of 38118 and 1 other

[Sign this petition](#)



Charles H. Whitsy, Jr.  
3335 Oakleaf Dr  
Olive Branch, MS 38654-7787

August 5, 2021

Ms. Teresa Shelton  
Municipal Planner  
Land Use and Development Services, City of Memphis, TN  
125 N. Main St.  
Memphis, TN 38103

Re: Opposition to the Whitehaven Hills East Oakhaven Rezoning Project

Good Evening Ms. Shelton,

I would like to present this letter stating my opposition to the proposed application requesting the rezoning of the approximately 73 acres on the west side of Tchulahoma Rd, Memphis TN. It is my understanding this rezoning will allow the construction of another warehouse in an area that is currently zoned for residential use.

Although I am a nearby resident in the adjoining area of Desoto County, MS, It is my personal opinion that the continued construction of yet another warehouse in this immediate area, will ultimately adversely impact my neighborhood as well. Each additional warehouse brings more commercial traffic and congestion to our living space.

Sincerely,

**From:** [Anita Johnson](#)  
**To:** [Shelton, Teresa](#)  
**Subject:** Whitehaven hills east Oakhaven rezoning  
**Date:** Monday, July 19, 2021 7:57:37 AM

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**CAUTION:** This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

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Good Moring Ms. Shelton ,

I understand you are over the zone panning for the upcoming Whitehaven rezoning opposition to take place .

I live in this area and oppose any more ware houses in our community. They have surrounded us with these warehouses and the

traffic has increased in our community already, It is very hard to drive out of the community at certain times of the day on Zodiac due to the increase traffic. The roads have been beaten down so bad , that there are ruts in the roads . Please come thru around 3:30 to 5:00pm. Then they race on the roads trying to get to work, passing on two lanes. If you check the accident report since warehouses you will notice Swinnea road and Holmes have accidents at least 3 times a week or more .

The children that play in this area will really be unsafe due to the increased traffic and there are no speed bumps in our area .

The Amazon warehouse and Medtronic and another warehouse on the Tchulahoma Rd community other side are already have numerous traffic and accidents at the corner of homes and Tchulahoma Rd. We also care about our community with our property values . I moved here in 1990 when it was the county and loved it . Since then the traffic increased , property taxed increased , and the noise level. I believe it is already unfair that we had the Army Jets that hover over our homes, cracked our windows and have increased noise from the airport area with those huge jumbo jets. Please if you have any consideration regarding the community please reconsider and deny this proposal,

**NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT  
TO THE ZONING MAP OF THE CITY OF MEMPHIS**

Notice is hereby given that a Public Hearing will be held by the City Council of the City of Memphis in the Council Chambers, First Floor, City Hall, 125 North Main Street, Memphis, Tennessee 38103 on Tuesday, \_\_\_\_\_ at 3:30 P.M., in the matter of amending the Zoning Map of the City of Memphis, being Chapter 28, Article IV of the Code of Ordinances, City of Memphis, Tennessee, as amended, as follows:

**CASE NUMBER:** Z 21-10

**LOCATION:** West side of Tchulahoma, about 1900 feet south of Aquarius

**COUNCIL DISTRICTS:** District 3 and Super District 8 – Positions 1, 2, and 3

**OWNER/APPLICANT:** Sarah Holmes et al./TPA Ventures

**REPRESENTATIVE:** Dedrick Brittenum, Jr

**EXISTING ZONING:** Conservation Agriculture (CA)

**REQUEST:** Employment (EMP) District

**AREA:** +/-81.71 acres (this includes parcels 09400 00142 (72.65 acres), 094400 00143 (.66 acres) & 094100 00117 (4.4 acres) to the south and 094400 00133 (4.0 acres) to the north.

**RECOMMENDATIONS:**

Memphis and Shelby County Division of Planning and Development: *Approval*

Memphis and Shelby County Land Use Control Board: *Approval*

**NOW, THEREFORE,** you will take notice that on Tuesday, \_\_\_\_\_, at 3:30 P.M. the City Council of the City of Memphis, Tennessee will be in session at the City Hall, Council Chambers, 125 North Main Street, Memphis, Tennessee 38103 to hear remonstrance's or protests against the making of such changes; such remonstrance's or protests must be by personal appearances, or by attorneys, or by petition, and then and there you will be present if you wish to remonstrate or protest against the same.

This case will also be heard at the Planning and Zoning Committee on the same day with the specific time to be determined prior to the meeting date and posted on the City of Memphis' website.

**THIS THE \_\_\_\_\_, \_\_\_\_\_**

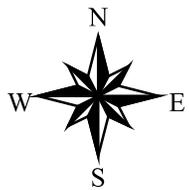
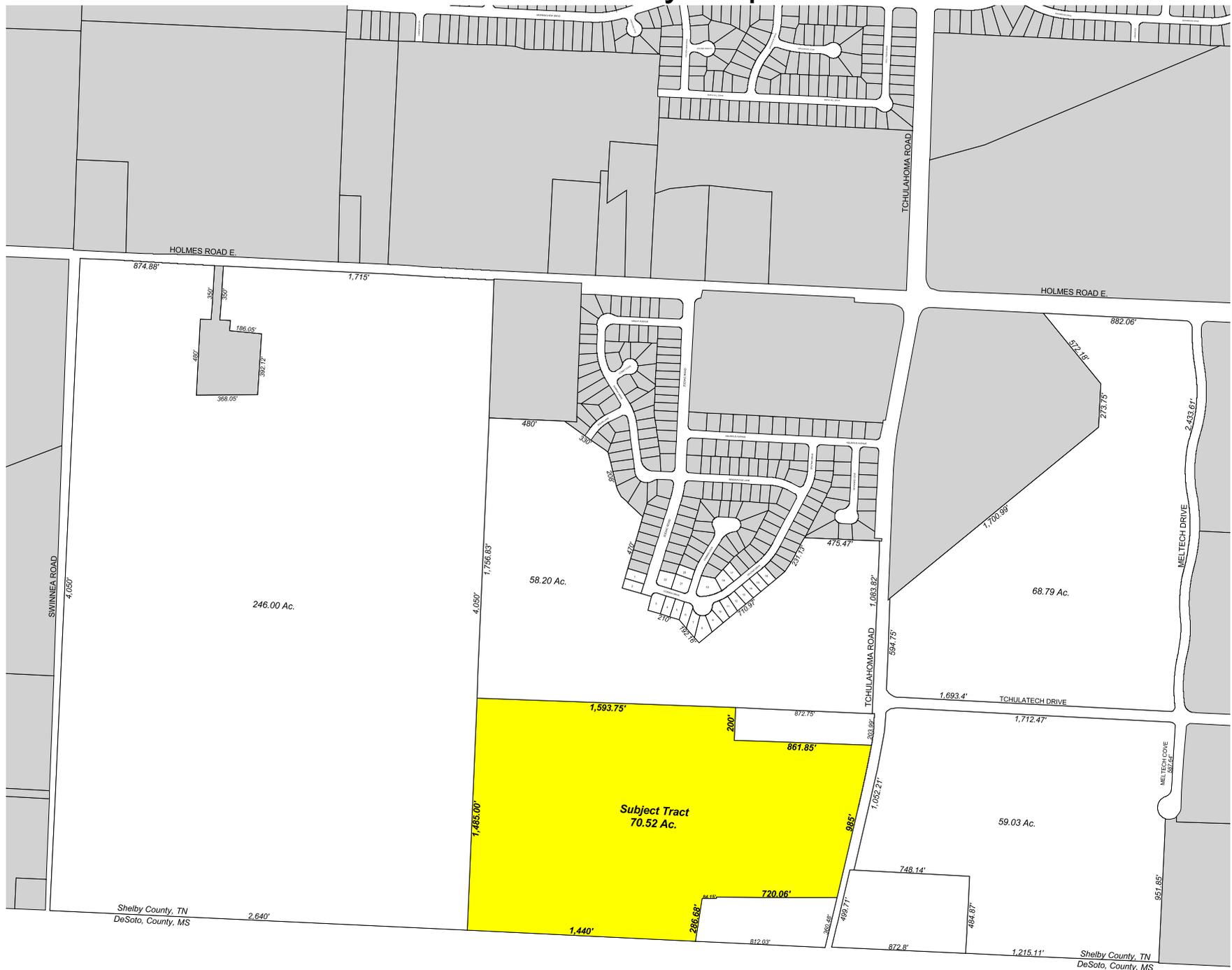
**FRANK COLVETT JR.**  
***CHAIRMAN OF COUNCIL***

**ATTEST:**

**DYWUANA MORRIS**  
***CITY COMPTROLLER***

**TO BE PUBLISHED:**

# Vicinity Map



Date: 06/28/21  
Prepared By:  
Property Research Data  
PRD Job #21-056

Pickering Firm  
6363 Poplar Avenue, Ste. 300  
Memphis, TN 38119

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Memphis, TN 38119

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Memphis, TN 38119

Pickering Firm  
6363 Poplar Avenue, Ste. 300  
Memphis, TN 38119

Pickering Firm  
6363 Poplar Avenue, Ste. 300  
Memphis, TN 38119

Holmes Sara M  
193 Azalea Garden Way  
Memphis, TN 38111-4756

Holmes Sara M  
193 Azalea Garden Way  
Memphis, TN 38111-4756

Holmes Sara M  
193 Azalea Garden Way  
Memphis, TN 38111-4756

Holmes Sara M  
193 Azalea Garden Way  
Memphis, TN 38111-4756

Holmes Sara M  
193 Azalea Garden Way  
Memphis, TN 38111-4756

Tenant  
3123 Cosmos Drive  
Memphis, TN 38118

Tenant  
3129 Cosmos Drive  
Memphis, TN 38118

Tenant  
3135 Cosmos Drive  
Memphis, TN 38118

Tenant  
3141 Cosmos Drive  
Memphis, TN 38118

Tenant  
3147 Cosmos Drive  
Memphis, TN 38118

Tenant  
3299 Tchulatech Drive  
Memphis, TN 38118

Tenant  
3300 Tchulatech Drive  
Memphis, TN 38118

Tenant  
3387 Tchulatech Drive  
Memphis, TN 38118

Tenant  
5384 Sputnik Drive  
Memphis, TN 38118

Tenant  
5386 Zodiac Road  
Memphis, TN 38118

Tenant  
5387 Cosmos Cove  
Memphis, TN 38118

Tenant  
5388 Sputnik Drive  
Memphis, TN 38118

Tenant  
5391 Zodiac Road  
Memphis, TN 38118

Tenant  
5392 Sputnik Drive  
Memphis, TN 38118

Tenant  
5393 Sputnik Drive  
Memphis, TN 38118

Tenant  
5395 Cosmos Cove  
Memphis, TN 38118

Tenant  
5396 Cosmos Cove  
Memphis, TN 38118

Tenant  
5396 Sputnik Drive  
Memphis, TN 38118

Tenant  
5397 Sputnik Drive  
Memphis, TN 38118

Tenant  
5397 Zodiac Road  
Memphis, TN 38118

Tenant  
5400 Sputnik Drive  
Memphis, TN 38118

Tenant  
5404 Sputnik Drive  
Memphis, TN 38118

Tenant  
5408 Sputnik Drive  
Memphis, TN 38118

Tenant  
5412 Sputnik Drive  
Memphis, TN 38118

Tenant  
5416 Sputnik Drive  
Memphis, TN 38118

Tenant  
5478 Swinnea Road  
Memphis, TN 38118

Tenant  
5501 Tchulahoma Road  
Memphis, TN 38118

Tenant  
5605 Tchulahoma Road  
Memphis, TN 38118

Tenant  
5610 Tchulahoma Road  
Memphis, TN 38118

Tenant  
5612 Tchulahoma Road  
Memphis, TN 38118

5397 Zodiac Road Trust  
11425 Canterbury Lane  
Parker, CO 80138-8462

BFF TN Investment LLC  
836 W. Earl Drive  
Phoenix, AZ 85013-4022

Brown Peggy J  
5396 Cosmos Cove  
Memphis, TN 38118-8019

Carter Claude & Francis V  
5397 Sputnik Drive  
Memphis, TN 38118-8033

Chew Jannie M  
3123 Cosmos Drive  
Memphis, TN 38118-8022

CSMA BLT LLC  
1850 Parkway Place, Ste. 900  
Marietta, GA 30067-8261

Davis Cassandra A  
5388 Sputnik Drive  
Memphis, TN 38118-8031

DHL Supply Chain (DBA)  
570 Polaris Parkway  
Westerville, OH 43082-7900

Dunham And Yow Investments  
799 Highway 332  
Grenada, MS 38901-8979

Evolutionmax LLC  
7391 Yoni Lane  
Bartlett, TN 38002-5972

Exel Incorporated  
360 Westar Boulevard  
Westerville, OH 43082-7627

Herron Beverly J & Johnny Jr.  
5384 Sputnik Drive  
Memphis, TN 38118-8031

Hill Jimmy L & Katherine  
3129 Cosmos Drive  
Memphis, TN 38118-8022

Jones Joyce A  
5408 Sputnik Drive  
Memphis, TN 38118-8080

Lang Jerlean T  
3147 Cosmos Drive  
Memphis, TN 38118-8022

McClain Lula  
5386 Zodiac Road  
Memphis, TN 38118-8044

Memphis Shelby County Airport Authority  
2491 Winchester Road, Ste. 113  
Memphis, TN 38116

Montoya Miguel A  
5501 Tchulahoma Road  
Memphis, TN 38118-8010

Potts Angeleta E  
434 N. Walnut Bend Road  
Cordova, TN 38018-6853

Real Homes LLC  
1232 Chesterton Avenue  
Redwood City, CA 94061-1326

Reed Michael  
P O Box 751164  
Memphis, TN 38175-1164

Rodama Group LLC  
6025 Stage Road, Ste. 42-106  
Bartlett, TN 38134-8374

Stewart Melvin R & Anne L  
5391 Zodiac Road  
Memphis, TN 38118-8043

Stewart Robert L & Pauline  
5392 Sputnik Drive  
Memphis, TN 38118-8031

Talbert Truman D (Estate Of)  
5610 Tchulahoma Road  
Memphis, TN 38118-8007

Toll Thomas  
2623 Remington Way  
Tracy, CA 95377-6695

Vargo Jean & James S  
5605 Tchulahoma Road  
Memphis, TN 38118-8010

Whaley Clemetee And Essie Whaley  
5404 Sputnik Drive  
Memphis, TN 38118-8080

Xiao Xiao  
200 Dey Street  
Harrison, NJ 07029-1884